H.R. 15663. A bill for the relief of Santa Ardizzone; to the Committee on the Judiciary.

By Mr. MATHIAS of Maryland:

H.R. 15664. A bill for the relief of Dr. Fausto Q. Aquino, Jr.; to the Committee on the Judiciary.

H.R. 15665. A bill for the relief of Dr. Angelita A. Topacio; to the Committee on the Judiciary.

By Mr. O'NEILL of Massachusetts:

H.R. 15666. A bill for the relief of Wong Tsang Hei aka Roberto Ching; to the Committee on the Judiciary.

By Mr. WOLFF:

H.R. 15667. A bill for the relief of Nicolo Giammarresi; to the Committee on the Judiciary.

By Mr. RHODES of Pennsylvania:

H.R. 15668. A bill for the relief of Giuseppe Calafiore; to the Committee on the Judiciary.

SENATE—*Wednesday, February 28, 1968*

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

O merciful God whose law is truth and whose statutes stand forever, we beseech Thee to grant unto us, who in the morning seek Thy face, the benediction which a sense of Thy presence lends to each new day. Unite our hearts and minds to bear the burdens that are laid upon us.

May our individual lives be as lighted windows amid the encircling gloom. In this global contest beyond the light and darkness, make us as individuals the kind of persons which Thou can use as the instruments of Thy purpose for all mankind. Thus may we—

"Be done with lesser things,
And give heart, and mind, and soul, and strength,
To serve the King of Kings."

For Thine is the kingdom, and the power, and the glory. Amen.

THE JOURNAL

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, February 27, 1968, be dispensed with.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 12 o'clock meridian tomorrow.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM THURSDAY TO 10 A.M. FRIDAY

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in adjournment until 10 a.m. on Friday.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CLARK ON TOMORROW

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that at the completion of the transaction of morning business on tomorrow, the Senator from Pennsylvania [Mr. CLARK] be recognized for 45 minutes, to discuss a subject of his choosing.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

REPORT OF ACTIVITIES IN 1967 UNDER THE FEDERAL DISASTER RELIEF ACT—MESSAGE FROM THE PRESIDENT (H. DOC. NO. 269)

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which, with an accompanying report, was referred to the Committee on Public Works:

To the Congress of the United States:

I am transmitting to the Congress the report of activities in 1967 under the Federal Disaster Relief Act.

During 1967, eleven "major disasters" were declared under the authority of PL 81–875. More than $25 million were allocated to meet these disasters.

Through quick and effective action at the Federal, State and local levels, countless lives were saved, public facilities restored, and property losses kept to a minimum.

The floods in Alaska in August caused an estimated $90 million in damage. Quick Federal, State and local action helped complete all priority restoration before the winter freeze set in.

When hurricane Beulah struck in Texas last September, Federal forces immediately joined in evacuation, rescue, and relief operations. As a result, death, injury and loss were kept to a minimum during one of the worst storms in our history.

In addition, four allocations—totalling more than $13 million—were authorized for disasters that took place in previous years. The process of rebuilding after an earthquake or a hurricane is long and hard, and our commitment to the people of a ravaged area must often extend over several years.

A perfect year for this program would consist of no expenditures—no disasters. Until that time comes, I am confident that we will continue to respond quickly to help State and local governments alleviate the suffering and repair the damage wrought by natural disasters.

I commend this report to your attention.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *February 28, 1968.*

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1155) to amend the Export-Import Bank Act of 1945, as amended, to change the name of the Bank, to extend for 5 years the period within which the Bank is authorized to exercise its functions, to increase the Bank's lending authority and its authority to issue, against fractional reserves, export credit insurance and guarantees, to restrict the financing by the Bank of certain transactions, and for other purposes.

The message also announced that the House had passed the bill (S. 989) to provide improved judicial machinery for the selection of Federal juries, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had passed a bill (H.R. 11308) to amend the National Foundation on the Arts and the Humanities Act of 1965, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 11308) to amend the National Foundation on the Arts and the Humanities Act of 1965, was read twice by its title and referred to the Committee on Labor and Public Welfare.

LIMITATION ON STATEMENTS DURING TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that statements in relation to the transaction of routine morning business be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HATFIELD AND SENATOR JAVITS

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that at the conclusion of the transaction of morning business today, the Senator from Oregon [Mr. HATFIELD] be recognized for 15 minutes, and that then the Senator from New York [Mr. JAVITS] be recognized for 30 minutes.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent that the Committee on Aeronautical and Space Sciences be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, I have not had an opportunity to discuss this matter with the minority leader, who is present in the Chamber, but if there is no objection, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate today.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE COMMUNICATIONS, ETC.

The PRESIDING OFFICER (Mr. TALMADGE in the chair) laid before the Senate the following letters, which were referred as indicated:

PROPOSED EXTENSION OF FOOD FOR PEACE ACT

A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation to extend the Agricultural Trade Development and Assistance Act of 1954, as amended (with an accompanying paper); to the Committee on Agriculture and Forestry.

PROPOSED AMENDMENT OF THE CONSOLIDATED FARMERS HOME ADMINISTRATION ACT OF 1961

A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to provide for loans to finance the establishment of grazing associations without a shift in land use, to provide a supplemental source of credit to cooperatives serving rural people, to authorize insured operating loans to low-income small farmers, to extend the cut-off date for completion of comprehensive water and sewer plans, and for other purposes (with accompanying papers); to the Committee on Agriculture and Forestry.

PROPOSED AMENDMENT OF FOOD STAMP ACT

A letter from the Secretary, Department of Agriculture, transmitting a draft of proposed legislation to amend the Food Stamp Act of 1964, as amended (with an accompanying paper); to the Committee on Agriculture and Forestry.

PROPOSED REVISION OF FOREIGN ASSISTANCE LEGISLATION RELATING TO REIMBURSABLE MILITARY EXPORTS

A letter from the Secretary, Department of State, transmitting a draft of proposed legislation to consolidate and revise foreign assistance legislation relating to reimbursable military exports (with an accompanying paper); to the Committee on Foreign Relations.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller of the United States, transmitting, pursuant to law, a report for the need to improve procedures for compensating municipalities for relocation of facilities necessitated by construction of Federal water resources projects, Corps of Engineers (Civil Functions), Department of the Army (with an accompanying report); to the Committee on Government Operations.

PROPOSED CONCESSION CONTRACT, NATIONAL CAPITAL REGION

A letter from the Deputy Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed concession contract in the National Capital Region (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT OF THE ARCHITECT OF THE CAPITOL

A letter from the Architect of the Capitol, transmitting, pursuant to law, a report of all expenditures during the period July 1, 1967, to December 31, 1967, from moneys appropriated to the Architect of the Capitol (with an accompanying report); ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the PRESIDING OFFICER:

A resolution of the General Assembly of the State of Rhode Island and Providence Plantations; to the Committee on the Judiciary:

"H. 1014

"Resolution memorializing the Congress of the United States to enact legislation cited as the 'Safe Street and Crime Control Act of 1967' an known as S. 917 of the 90th Congress

"Whereas, it is the policy of the United States government to promote the general welfare by improving law enforcement and the administration of criminal justice; and

"Whereas, crime is essentially a local problem that must be dealt with by state and local governments; and

"Whereas, it is the purpose of the 'Safe streets and crime control act of 1967" to increase the personal safety of the people of the nation by reducing the incidence of crime; now, therefore, be it

"Resolved, That the general assembly of the state of Rhode Island respectfully requests the Congress of the United States to act favorably on this legislation; and be it further

"Resolved, That duly certified copies of this resolution be transmitted forthwith by the secretary of state to the vice president of the United States, to the speaker of the house of representatives of the United States, and to each of the senators and representatives from Rhode Island in the congress of the United States.

"In testimony whereof, I have hereunto set my hand and affixed the seal of the State of Rhode Island, this twenty-sixth day of February, A.D. 1968.

"AUGUST P. LA FRANCE,
"Secretary of State."

A letter, in the nature of a petition, from Anghel Rugina, of Jamaica Plain, Mass., remonstrating against the proposed repeal of the gold cover; to the Committee on Banking and Currency.

A petition adopted by the Greater Grandview Neighborhood Club, area 12, of Omaha, Nebr., praying for a redress of grievances, which was referred to the Committee on Banking and Currency.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

My Mr. LONG of Louisiana, from the Committee on Finance, without amendment:

H.R. 12555. To amend title 38 of the United States Code to liberalize the provisions relating to payment of pension, and for other purposes (Rept. No. 1009).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with amendments:

S. 2912. A bill to authorize appropriations for the saline water conversion program, to expand the program, and for other purposes (Rept. No. 1010).

By Mr. McGOVERN, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 2901. An act to designate the Oahe Reservior on the Missouri River in the States of North Dakota and South Dakota as Lake Oahe (Rept. No. 1011).

AMENDMENTS TO THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA, 1960—REMOVAL OF INJUNCTION OF SECRECY

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy removed from Executive C, 90th Congress, second session, six amendments to the International Convention for the Safety of Life at Sea, 1960, transmitted to the Senate today by the President of the United States; that the amendments, together with the President's message, be referred to the Committee on Foreign Relations in order to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

I am transmitting six amendments to the International Convention for the Safety of Life at Sea, 1960, to which I am requesting the advice and consent of the Senate to acceptance. These amendments are intended to improve the standards of ship safety required by the Convention.

These amendments were adopted by the Assembly of the Intergovernmental Maritime Consultative Organization (IMCO) at its fifth regular session in London on October 17–26, 1967.

The third and fourth amendments relate to fire safety. They provide new standards for construction of future passenger ships, based on the maximum use of incombustible materials. They set improved standards for fire control plans and emergency procedures in both passenger and cargo ships.

These amendments complete the fire safety work undertaken by IMCO in 1966, at the initiative of the United States, following the *Yarmouth Castle* fire. Together with amendments relating to existing ships which the United States accepted last year, they will provide satisfactory fire safety standards for passenger ships on a worldwide basis.

The remaining two amendments relate to tanker and cargo vessel lifeboats and liferafts and to radiotelephone installations. They were proposed by other countries but supported by the United States, and, like the other amendments, improve the overall safety standards provided by the Convention.

For the information of the Senate, I am also transmitting the report of the Secretary of State with respect to the amendments.

I urge the Senate to give the amendments early and favorable consideration.

LYNDON B. JOHNSON.

THE WHITE HOUSE, *February 28, 1968.*

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. LONG of Louisiana, from the Committee on Finance:

Joseph M. Bowman, Jr., of Georgia, to be an Assistant Secretary of the Treasury.

BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. LONG of Louisiana:

S. 3049. A bill to grant taxpayers an optional procedure for the disposition of small claims in the Tax Court, and to increase the compensation of Tax Court commissioners; to the Committee on Finance.

(See the remarks of Mr. LONG of Louisiana when he introduced the above bill, which appear under a separate heading.)

By Mr. ERVIN (for himself and Mr. JORDAN of North Carolina):

S. 3050. A bill to authorize the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. ERVIN when he introduced the above bill, which appear under a separate heading.)

By Mr. HOLLAND:

S. 3051. A bill for the relief of Dr. David Alfredo Orta-Menendez; to the Committee on the Judiciary.

By Mr. KENNEDY of Massachusetts (for himself, Mr. HART, Mr. MONDALE, Mr. CASE, Mr. YARBOROUGH, Mr. NELSON, and Mr. KENNEDY of New York):

S. 3052. A bill to amend the Military Selective Service Act of 1967 to provide for a fair and random system of selecting persons for induction into military service, to provide for the equal application of deferment policies, to authorize an investigation of the feasibility of establishing a volunteer army, and for other purposes; to the Committee on Armed Services.

(See the remarks of Mr. KENNEDY of Massachusetts when he introduced the above bill, which appear under a separate heading.)

By Mr. BOGGS:

S. 3053. A bill for the relief of 1st Sgt. Jack Owens, U.S. Army; to the Committee on Armed Services.

By Mr. NELSON:

S. 3054. A bill for the relief of Man Ok Kim and Mrs. Ok Kyung Rhee Kim; to the Committee on the Judiciary.

By Mr. TYDINGS:

S. 3055. A bill to provide for improvements in the administration of the courts of the United States, and for other purposes; to the Committee on the Judiciary.

(See the remarks of Mr. TYDINGS when he introduced the above bill, which appear under a separate heading.)

By Mr. MORTON:

S.J. Res. 148. Joint resolution establishing the Federal Committee on Nuclear Development; to the Joint Committee on Atomic Energy.

(See the remarks of Mr. MORTON when he introduced the above joint resolution, which appear under a separate heading.)

S. 3049—INTRODUCTION OF BILL RELATING TO SMALL CLAIMS IN THE TAX COURT

Mr. LONG of Louisiana, Mr. President, I introduce, for appropriate reference, a bill relating to optional procedures for the disposition of small claims in the Tax Court of the United States. I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Mr. President, the last generation has seen a tremendous increase in the number of persons who have become taxpayers. Administration of any law that affects immediately so many tens of millions of persons inevitably generates a substantial number of disputes and, inevitably, some of these disputes are not satisfactorily resolved within the administrative process. Nevertheless, resort to the courts is usually expensive and slow. This deters some who have meritorious claims. It also creates dissatisfaction on the part of those who want their "day in court," adversely affecting the taxpayer morale so necessary to our self-assessment tax system. The bill I am now introducing is intended to assure that taxpayers with relatively small amounts in dispute have reasonable access to the Tax Court, without impairing the ability of that court to deal with the cases coming before it.

This bill permits taxpayers to use a relatively informal procedure in the Tax Court in cases involving deficiencies of not more than $1,000 a year. While use of this system would be optional with the taxpayer, it would be mandatory insofar as the Government is concerned unless the Tax Court—presumably upon the request of the Government—decided before the hearing that the case involved an important tax policy issue which should be heard under normal procedures. Where the new system is used, the cases would be handled by either commissioners or judges of the Tax Court at the discretion of the Tax Court and only brief summary reports would be rendered. It is hoped that in most cases the reports would be oral and in no event would they constitute precedents for other cases. The decisions in those cases would be final with no appeal available. The proceedings would be conducted in accordance with simplified procedures and rules of evidence established by the Tax Court itself. Tax Court commissioners would be authorized to hear those cases and render reports and they would be paid the same salaries as commissioners of the Court of Claims—presently $29,000 a year. Finally, any people recognized to practice before the Internal Revenue Service would be permitted to represent taxpayers before the Tax Court in cases conducted under the new procedure.

This bill owes much to S. 18, a predecessor bill introduced by Senators MAGNUSON, EDWARD LONG, and others. This bill has essentially the same objectives as S. 18 and in many respects has been patterned after it. As has been said with reference to S. 18, the average deficiency is below $700 and the average taxpayer frequently finds that the cost of hiring a lawyer would consume most of anything he might save by winning the case. The bill I am introducing, like the earlier bill, has the same objective of providing an inexpensive, simple way in which taxpayers with small deficiencies can obtain an independent, judicial decision as to the correctness of their case. To the extent this bill differs from S. 18, it does so largely in an attempt to leave more flexibility with the Tax Court in working out the most practicable rules or procedures to be followed by the Small Claims Division.

This bill is intended, as I said, to provide reasonable, practical, and optional access to an impartial tribunal for taxpayers with relatively small cases. It gives the Tax Court sufficient flexibility to handle those cases in the manner that experience suggests to be most appropriate. In providing that there will be no appeal and that those cases will not constitute precedents for future cases, it permits the Internal Revenue Service greater latitude in defending the cases.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3049) to grant taxpayers an optional procedure for the disposition of small claims in the Tax Court, and to increase the compensation of Tax Court commissioners, introduced by Mr. LONG of Louisiana, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 3049

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX DISPUTES INVOLVING LESS THAN $1,000.

(a) Section 7459 of the Internal Revenue Code of 1954 (relating to reports and decisions of the Tax Court) is amended by redesignated subsection (g) as subsection (h) and by inserting after subsection (f) the following new subsection:

"(g) OPTIONAL PROVISIONS RELATING TO CERTAIN CASES.—In the case of any petition filed with the Tax Court for a redetermination of a deficiency where neither the amount of the deficiency placed in dispute by the petition for any one taxable year as to which a deficiency was determined by the notice upon which the petition is based, nor the amount of any claimed overpayment for any such taxable year, exceeds $1,000, at the option of the taxpayer concurred in by the Tax Court or a division thereof before the hearing of the case, a brief summary report shall be made by any judge or commissioner of the Tax Court to whom the chief judge has assigned authority to make reports in such cases. A decision entered in accordance with such a report shall be the decision of the Tax Court but shall not be reviewed in any other court and shall not be treated as a precedent for any other case. In any proceeding to which this subsection applies, notwithstanding the provisions of sections 6214(a) and 6512(b), no decision shall be entered redetermining a deficiency or determining an overpayment in excess of the jurisdictional amount set forth in this subsection; and notwithstanndng the provisions of section 7453, the proceedings shall be conducted in accordance with such rules of evidence as the Tax Court may prescribe."

(b) Section 7452 of such code (relating to representation of parties) is amended by adding at the end thereof the following: "In the case of any proceeding pursuant to section 7459(g) (relating to certain small tax claims) the taxpayer may also be represented by any person recognized to practice before the Internal Revenue Service."

SEC. 2. APPOINTMENT AND COMPENSATION OF TAX COURT COMMISSIONERS.

Subsection (c) of section 7456 of the Internal Revenue Code of 1954 (relating to Tax Court commissioners) is amended to read as follows:

"(c) COMMISSIONERS.—The chief judge may from time to time (1) appoint a commissioner and (2) by written order designate an attorney from the legal staff of the Tax Court to act as a commissioner in a particular case. The commissioner so appointed or designated shall proceed under such rules and regulations as may be promulgated by the Tax Court. The commissioner shall receive the same compensation and travel and subsistence allowances now or hereafter provided by law for commissioners of the United States Court of Claims."

SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall become effective 6 months after the date of the enactment of this Act.

S. 3050—INTRODUCTION OF BILL RELATING TO THE CARL SANDBURG HOME: PART OF OUR NATIONAL HERITAGE

Mr. ERVIN. Mr. President, I introduce for myself and my colleague, Senator B. EVERETT JORDAN, a bill to make "Connemara," the home of Carl Sandburg in Flat Rock, N.C., into "The Carl Sandburg Farm National Historic Site." My distinguished colleague in the House, Congressman ROY A. TAYLOR, of the 11th Congressional District, introduced a companion bill, H.R. 13099, on September 25, 1967. As chairman of the National Parks Subcommittee of the House Interior and Insular Affairs Committee, Congressman TAYLOR has expressed hope that hearing on his bill can be scheduled within a month or two.

The bill proposed that the Secretary of the Interior be authorized to purchase the 241-acre estate where Carl Sandburg lived and worked during the last 20 years of his life. The cost of the 241-acre estate, including the 135-year-old Sandburg dwelling and 35 additional acres needed for the development, will be in the neighborhood of $200,000. Increasing land prices and the eagerness of land developers to acquire this estate make it imperative that immediate action be taken on the bill. Mrs. Sandburg is also very eager to have this bill passed and has volunteered to donate most of her husband's personal and literary effects to the Nation.

Secretary of the Interior, Mr. Udall, Representative TAYLOR, and Mrs. Sandburg are to be commended on their efforts to secure this land and dwelling as a national historic site. Carl Sandburg's home in North Carolina is as much a part of his life and works as Carl Sandburg is a part of the special heritage that makes America great. Here, in 1945, Carl Sandburg brought his family to begin the last chapter of his rich and productive career. The house was built in 1839 by C. G. Memminger, who served as chairman of the committee which drafted the Constitution of the Confederate States and became the first Secretary of the Treasury under Jefferson Davis. During the latter stages of the Civil War, Memminger urged Davis to move the Confederate capital to Flat Rock in the belief that it could be more easily defended than Richmond.

From its first to its last occupant, all who chose to live there have shared a love of the countryside, the sparkling air, the mild climate, and the view of the distant Blue Ridge. The land varies from rich pastureland to rugged foothills covered with pines and oaks. Sandburg often hiked the trails alone or with friends and family; here he found the solitude and beauty that strengthened him as a writer and poet.

The house itself is characterized by simplicity, but with its furnishings, memorabilia and books, the house is as redolent of Carl Sandburg as Hyde Park is of F. D. R. In the upstairs workroom there remains a battered orange crate behind the woodburning stove, with research materials scattered about as he left them and a typewriter on the orange crate. Sitting at this typewriter, Carl Sandburg once wrote of his youth:

> Now I would take to the Road, see rivers and mountains, everyday meeting strangers to whom I was one more young stranger.

On February 11, 1959, Carl Sandburg stood before a joint session of Congress and delivered an address to commemorate the 150th anniversary of the birth of President Abraham Lincoln. Many Americans associate Sandburg with Abraham Lincoln, and the association is a just one. His six-volume biography of Lincoln is evidence of the sublime and essential work of a poet who gave history and dreams to the people. This biography alone would have consumed the entire life of many creative men, but it was only one aspect of his tremendous power that carved poetry, biography, and history into concepts that speak America. His greatness and his art were inseparable from the greatness of America. He once explained his life's work in these words:

> I give my tribute to the dreamers and seekers who have followed the "blood-scarlet thread of America's destiny."

Sandburg put this same idea into one of the last poems he wrote. I shall quote that poem called "Ever a Seeker":

> The fingers turn the pages.
> The pages unfold as a scroll.
> There was the time there was no America.
> Then came on the scroll an early America, a land of beginnings, an American being born.
> Then came a later America, seeker and finder, yet ever more seeker and finder, ever seeking its way amid storm and dream.

The homes of Thomas Edison in New Jersey, Theodore Roosevelt in Sagamore Hill, and Franklin Roosevelt in Hyde Park are all preserved as monuments to inspire and refresh in the minds of Americans that a single man is capable of creating in his own life the enduring qualities that made real a dream which became America. I speak for myself and Senator JORDAN when I say how important it is that we preserve this monument to Carl Sandburg, for it is doing very little for one man who preserved so much for America. Mr. President, I want to remind you of the final tribute President Johnson paid to Carl Sandburg on his death, July 22, 1967:

> He was more than the voice of America, more than the poet of its strength and genius. He was America.

I ask unanimous consent that the bill to acquire the North Carolina home and farm of Carl Sandburg and make it into a national historic site, be printed in the RECORD at this point.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 3050) to authorize the establishment of the Carl Sandburg Home National Historic Site in the State of North Carolina, and for other purposes introduced by Mr. ERVIN (for himself and Mr. JORDAN of North Carolina), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 3050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to acquire, by donation or purchase with donated or appropriated funds, all or any part of the property and improvements thereon at Flat Rock, North Carolina, where Carl Sandburg lived and worked during the last twenty years of his life, comprising approximately two hundred and sixty-eight acres, together with such adjacent or related property as the Secretary may deem necessary for establishment of the Carl Sandburg Home National Historic Site.

SEC. 2. The national historic site established pursuant to this Act shall be administered by the Secretary of the Interior in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

SEC. 3. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ADDITIONAL COSPONSORS OF BILLS AND JOINT RESOLUTION

Mr. JAVITS. Mr. President, on behalf of the Senator from Michigan [Mr. GRIFFIN], I ask unanimous consent that, at its next printing, the name of the distinguished Senator from Pennsylvania [Mr. SCOTT] be added as a cosponsor of the bill, S. 3019, to amend section 6(h) of the Military Selective Service Act of 1967 to clarify the deferment status of persons pursuing full-time courses of training at junior or community colleges.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, on behalf of the Senator from Kansas [Mr. PEARSON], I ask also unanimous consent that, at its next printing, the names of the Senator from Delaware [Mr. BOGGS] and the Senator from Nebraska [Mr. HRUSKA] be added as cosponsors of the bill (S. 2970) to establish an independent Office of Government Procedure to assist the Congress in its oversight of the execution of statutes enacted by the Congress, the evaluation of procedures of executive and independent agencies of the Government, and the adoption of improved means to carry into effect the policies of the Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota [Mr. MONDALE], I ask unanimous consent that, at its next printing, the names of the Senator from Michigan

[Mr. HART], the Senator from Utah [Mr. Moss], the Senator from Oklahoma [Mr. HARRIS], the Senator from Oregon [Mr. MORSE], and the Senator from Hawaii [Mr. INOUYE] be added as cosponsors of the bill (S. 2973) to provide for the orderly marketing of agricultural commodities by the producers thereof and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIBLE. Mr. President, on behalf of the Senator from Washington [Mr. MAGNUSON], I ask unanimous consent that, at its next printing, the names of the Senator from Colorado [Mr. ALLOTT] and the Senator from Wyoming [Mr. HANSEN] be added as cosponsors of my bill (S. 2951), to determine the policy of the Congress with respect to the authority of the several States to control and regulate fish and wildlife within their territorial boundaries, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the senior Senator from Minnesota [Mr. MCCARTHY], I ask unanimous consent that the name of the junior Senator from Wyoming [Mr. HANSEN] be added to the list of cosponsors of S. 2217, the bill regarding imports of honey, and that his name be listed among the sponsors at the next printing of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey [Mr. WILLIAMS] I ask unanimous consent that the junior Senator from Maine [Mr. MUSKIE] be added as a cosponsor to Senate Joint Resolution 117, to provide for a White House Conference on Aging; and that his name be added on the joint resolution at the next printing.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCURRENT RESOLUTIONS

TO PRINT AS A SENATE DOCUMENT THE PROCEEDINGS OF THE UNVEILING OF THE BUST OF CONSTANTINO BRUMIDI

Mr. BYRD of West Virginia (for Mr. PASTORE) submitted a concurrent resolution (S. Con. Res. 61) to print as a Senate document the proceedings of the unveiling of the bust of Constantino Brumidi, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when submitted by Mr. BYRD of West Virginia (for Mr. PASTORE) which appears under a separate heading.)

TO PLACE THE BUST OF CONSTANTINO BRUMIDI IN THE CORRIDOR OF THE CAPITOL KNOWN AS THE BRUMIDI CORRIDOR

Mr. BYRD of West Virginia (for Mr. PASTORE) submitted a concurrent resolution (S. Con. Res. 62) to place the bust of Constantino Brumidi in the corridor of the Capitol known as the Brumidi Corridor, which was referred to the Committee on Rules and Administration.

(See the above concurrent resolution printed in full when submitted by Mr. BYRD of West Virginia (for Mr. PASTORE) which appears under a separate heading.)

RELATING TO THE EXTENSION OF THE GROUND WAR IN VIETNAM

Mr. HATFIELD submitted a concurrent resolution (S. Con. Res. 63) relating to the extension of the ground war in Vietnam, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. HATFIELD, which appears under a separate heading.)

SENATE CONCURRENT RESOLUTIONS 61 AND 62—CONCURRENT RESOLUTIONS RELATING TO BRUMIDI BUST

Mr. BYRD of West Virginia. Mr. President, as we all know, the distinguished senior Senator from Rhode Island [Mr. PASTORE] is unavoidably absent due to illness. I have been asked by Senator PASTORE to submit for him two concurrent resolutions. One concurrent resolution would provide for the printing as a Senate document of the program and proceedings in Congress, together with such other matter as the joint committee may deem pertinent thereto, at the unveiling in the rotunda of the bust of Constantino Brumidi; and the other concurrent resolution would provide that the bust of Constantino Brumidi procured by the Joint Committee on the Library pursuant to Senate Concurrent Resolution 70 of the 89th Congress, second session, be placed in the corridor known as the Brumidi Corridor on the first floor of the Senate wing of the Capitol.

I ask unanimous consent that I may submit on, Senator PASTORE's behalf, these two concurrent resolutions.

The PRESIDING OFFICER. Without objection, the concurrent resolutions will be received and appropriately referred.

The concurrent resolutions, submitted by Mr. BYRD of West Virginia (for Mr. PASTORE), were referred to the Committee on Rules and Administration, as follows:

S. CON. RES. 61

Resolved by the Senate (the House of Representatives concurring), That there be printed as a Senate document, with illustrations and bound in such style as may be directed by the Joint Committee on Printing, the program and proceedings in Congress at the unveiling in the rotunda, together with such other matter as the joint committee may deem pertinent thereto, of the bust of Constantino Brumidi; and that there be printed thirteen thousand five hundred and fifty additional copies of which two thousand five hundred and seventy-five copies shall be for the use of the Senate, and ten thousand nine hundred and seventy-five copies for the use of the House of Representatives.

SEC. 2. The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer and shall provide suitable illustrations to be bound with these proceedings.

S. CON. RES. 62

Resolved by the Senate (the House of Representatives concurring), That the bust of Constantino Brumidi procured by the Joint Committee on the Library pursuant to S. Con. Res. 70, Eighty-ninth Congress, second session, to be placed in the corridor, known as the Brumidi Corridor, on the first floor of the Senate wing of the Capitol, is hereby authorized to be placed temporarily in the rotunda of the Capital; and that ceremonies are authorized to be held in the rotunda on said occasion; and that the Architect of the Capitol is hereby authorized to make the necessary arrangements to carry out the purposes of this concurrent resolution.

PENALTIES FOR CERTAIN ACTS OF VIOLENCE OR INTIMIDATION—AMENDMENTS

AMENDMENTS NOS. 549 THROUGH 551

Mr. DOMINICK. Mr. President, I submit three amendments, intended to be proposed by me to the amendment proposed by the Senator from Minnesota [Mr. MONDALE], amendment No. 524 to the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes, and ask that they be printed and lie on the table.

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table.

Mr. DOMINICK. Mr. President, my first amendment would require that any charge filed by a private party with the Secretary be under oath. It also would require the Secretary to provide a copy of the charge to the potential respondent. Both of these procedures were used in title 7 of the 1964 Civil Rights Act.

My second amendment revises that portion of the Mondale amendment which authorized a private party to bring a civil action in court under certain circumstances.

The third—which, in my opinion, is the most important—in effect, provides that a State which has comparable laws shall have original jurisdiction. It would set aside a time within which the State could work out whatever complaint may be involved. I would like to emphasize that my amendment takes the same approach regarding deferment to State jurisdiction as did the well-known compromise of the 1964 act.

I propose this provision because Colorado has a very strong fair housing law. The Colorado law has proved workable. The board of realtors is in favor of it, as well as the people in our State. I would strongly object to having the initiative which has been undertaken by Colorado stamped out and finding that the Federal Government has preempted the field and placed open housing solely in the hands of the Secretary of Housing and Urban Development.

It seems to me these three amendments are very important. The degree to which they will be considered depends on what comes out of the compromise package of civil rights legislation which is now being developed. I have endeavored to have the substance of them considered, and it is my understanding—certainly it is my hope—that the authority of the States which have these laws

will be preserved in the compromise to be introduced some time later today.

AMENDMENT NO. 554

Mr. DIRKSEN proposed an amendment, in the nature of a substitute, to House bill 2516, supra, which was ordered to be printed.

ELIMINATIONS OF RESERVE REQUIREMENTS FOR FEDERAL RESERVE NOTES—AMENDMENT

AMENDMENT NO. 552

Mr. Javits submitted an amendment, intended to be proposed by him, to the bill (S. 2857) to eliminate the reserve requirements for Federal Reserve notes and for U.S. notes and Treasury notes of 1890, which was ordered to lie on the table and to be printed.

AMENDMENT TO H.R. 7659 TO LIMIT CATEGORIES OF INFORMATION REQUIRED UNDER PENALTY OF LAW IN CONDUCT OF MID-DECADE CENSUS AND ANY OTHER CENSUS

AMENDMENT NO. 553

Mr. THURMOND. Mr. President, I submit an amendment intended to be proposed by me to H.R. 7659, which would limit the categories of information required under penalty of law in the conduct of the mid-decade census or any census conducted by the Government, and ask for its appropriate reference.

I ask unanimous consent the reading of this amendment at this time be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, my amendment would restrict the information gathered in the census under penalty of law to seven main categories. These include name and address, relationship to head of household, sex, date of birth, race or color, marital status, and visitors in the home at the time of the census.

Legislation to secure essential facts on our population every 5 years may serve useful purposes but unrestricted authority by the Census Bureau to ask any questions they wish on an intercensal questionnaire, under penalty of a $100 fine or 60 days in jail, or both, for failure to answer all items, is not in the best interests of our people or our Government.

The right of privacy is a cherished liberty given protection in our Bill of Rights. If the questions to be asked in the proposed mid-decade census are in any way similar to those planned for the 1970 census, then we would be participating in the further destruction of these rights provided by our forefathers. The privacy of the individual is being trampled by the rapidly increasing number of prying questions asked by the Census Bureau and each week I receive mail from citizens who rightfully object to these intrusions.

The extent of the questions to be asked of our citizens has reached a ridiculous point. The Census Bureau should not have the power to require of our citizens answers to such questions as the following which are being used in tests for the 1970 census:

The number of walk-in closets in the home?
Have you married more than once?
What is your rent?
What number of weeks did you work in the previous year?
What was your wage and salary last year?
What is the value of your property?
Did you work at any time last week?
Do you share a shower?
How do you enter your home?

The list of questions goes on and on, and while the answers may provide useful information for industry, educational institutions, social agencies, and local governments, the question is properly asked as to why should we require answers of our citizens to these type questions under penalty of law? Further, is not the Census Bureau moving into the field of market research which should correctly be left in the hands of private firms which seem to be obtaining necessary information without the threat of Government action?

Further, the trend of questioning by the Census Bureau under authority given by the Congress is certainly escalating. At the present time, according to the Census Bureau, 67 subject items are proposed for inclusion in the 1970 census. Noncompliance in this census, as well as the proposed mid-decade census, carries a penalty under the law.

While it appears that enforcement action in Census Bureau work is rare, the threat of enforcement remains. Although the Justice Department has not kept records in this area, in the 1960 census there were at least two convictions under the law. How many cases were prosecuted is unknown.

I believe that needed information could be obtained by the Census Bureau without the mandatory requirement presently in effect. Market research firms obtain their information voluntarily and the Government should do the same except for the categories mentioned earlier.

Mr. President, an excellent editorial on the concern of our people on this subject appeared in the February 18, 1968, issue of the State newspaper in Columbia, S.C. Editor W. D. Workman, Jr., has called upon the Congress to meet this challenge. I ask unanimous consent that this editorial be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. The amendment will be received, printed, and appropriately referred; and, without objection, the editorial will be printed in the RECORD.

The amendment (No. 553) was received, referred to the Committee on Post Office and Civil Service, and ordered to be printed.

The editorial, presented by Mr. THURMOND, is as follows:

PRYING TIME IS COMING

Just suppose that on a day in 1970 you were busy cleaning house, looking after children, or perhaps, doing some office work at home. And suppose a man with a briefcase should appear at your door and say:

"Good morning sir (or madam), I'm from the U.S. Census Bureau. How many flush toilets are there in this house?"

Would you want to answer?

Well, stop supposing, because that question *will* be asked during the 1970 census. And a few other questions, too.

What language, other than English, was usually spoken in your home when you were a child?"

"Did you work at any time last week?"

"Have you been looking for work during the last four weeks?"

"How much did you earn in 1967 in wages, salary, commissions, bonuses, or tips from all jobs?"

"Do you share your toilet facilities with anyone?"

The government requires you, by law, to answer these and other questions. The Census Bureau says it's "important to gather statistics on these matters."

Is it? Why?

One out of every 20 Americans will be asked in 1970 to give details concerning marital history, vocational training, disabilities, occupations, and residences for the previous five years.

A dry run census of this type was taken in New Haven, Conn., last year. The Census Bureau is *still* trying to quell the outraged criticism that resulted. What will happen when it's time for the nationwide census?

Of course, the Bureau maintains that all the information gathered will be kept confidential, but few Americans seriously believe that. The government's credibility has been questioned so many times these past few years, that whatever the Census Bureau says is taken with a grain of salt.

Article Four of the Bill of Rights states quite clearly that the people are "to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures," etc.

Are the 1970 census forms "unreasonable"? That's a question which Congress might profitably ask, debate, and answer—sometime before 1970, we hope.

NOTICE OF HEARINGS ON S. 3028, PROPOSED URBAN INSURANCE BILL

Mr. SPARKMAN. Mr. President, on Monday, February 26, 1968, I announced that the Subcommittee on Housing and Urban Affairs would commence hearings on March 5, 1968, on the administration's proposed Housing and Urban Development Act of 1968 (S. 3029) and several other bills pending before the subcommittee. We have now determined that the administration's proposed urban insurance bill, that is, S. 3028, will also be a subject of these hearings.

I make this announcement so witnesses appearing before the subcommittee will know that S. 3028 will be a subject of the hearings and so that they can be prepared to testify on this measure.

CIVIL RIGHTS VOTE—NEW EVIDENCE OF NEED TO ABOLISH FILIBUSTERS

Mr. CLARK. Mr. President, the Senate will shortly be called upon to vote on a motion to table the fair housing amendment to the present civil rights bill proposed by the Senator from Minnesota [Mr. MONDALE] and others. I should like to explain, very briefly, why I shall vote in favor of the motion to table—most reluctantly, indeed.

It appears, from the present procedures of the Senate, that the Mondale amendment, although supported by a good majority of my colleagues, cannot be brought to a vote on the merits. It is therefore necessary to accept some com-

promise if we are to have any meaningful housing proposals adopted by the Senate as a part of the pending measure. It is therefore necessary for those of us who would like to see the Mondale amendment adopted to vote, nevertheless, to table it, because this is the only way we can get any housing proposal attached to the bill. For that reason, I shall reluctantly vote to table the Mondale amendment, although I firmly believe it is wise and just.

Mr. President, this raises the more fundamental question of when the Senate of the United States is going to be prepared to make meaningful changes in rule XXII of the Rules of the Senate. This is a cause to which I have devoted myself for more than 11 years. At every turn, we have been balked by those who want to maintain the present undemocratic and, to my way of thinking, extremely unwise requirement that debate in the Senate can be terminated only by a cloture vote supported by two-thirds of the Members present and voting.

I would think that what has happened in connection with the pending proposed legislation would persuade any doubters, if such there be, that we must, no later than January next, move forthrightly to repeal rule XXII and substituting for it a rule which will permit a majority of the Senators present and voting, after appropriate debate under clearly defined procedures, to bring any matter to a vote in the U.S. Senate.

Many years ago President Woodrow Wilson wisely observed that the Senate is the only legislative body in the entire civilized world which is unable to act when its majority is ready for action. I do hope that the object lesson which has been given in the Senate in the last few weeks will persuade enough of my colleagues—and I hope with the strong support of the Vice President—to make a change next January in this inequitable rule which has done so much to hold back badly needed legislation.

VIETNAM

Mr. STENNIS. Mr. President, I am convinced that in South Vietnam we are confronting an enemy with more military skill, more determination, more fight and far more resources than we have heretofore realized.

This being true, the physical limitations under which we operate are more effective and forbidding than ever before. Under our present policies, we are contained by the boundaries of Laos, Cambodia, and North Vietnam. At the same time, the port of Haiphong and other ports are used with virtual impunity to bring in larger and larger quantities of supplies and arms that are becoming of higher and higher quality and effectiveness—these supplies and arms continue to pour in from willing allies who have great resources.

Under these conditions our fighting men cannot effectively carry out their mission. Under these conditions, I am fully convinced it will take a long, long time and many more men to force an honorable and effective solution.

So I pose the question: Is it more men that we need for the present policy? Or is it more men that we need for a new policy?

I am convinced that our policy, present policy, must be fully reviewed; that many of our major restrictions must be and should be removed, or drastically altered. This includes, as a minimum, the denial of the use of the port of Haiphong and other ports; an increase in the effectiveness and selection of key targets for bombing in North Vietnam.

In short, it is clear to me that we are now compelled to choose between a hard-hitting war or no war at all.

While we reappraise our manpower requirements in view of the recent showing by our enemies, let us also reappraise the restrictions we impose on ourselves in this war. Unless it be strictly to support and protect the men already there, why send more men if all are to continue under the old, restricted warfare formula?

EXPORT-IMPORT BANK AMENDMENT OF MR. BYRD OF VIRGINIA

Mr. ERVIN. Mr. President, the distinguished Senator from Virginia, HARRY F. BYRD, JR., is manifesting in the Senate the same industry, the same integrity, and the same courage which marked the career of his distinguished father.

The Senator from Virginia introduced a very important amendment to the Export-Import Bank bill, and he has received much editorial commendation for so doing.

Mr. President, I ask unanimous consent that there be printed in the RECORD editorials concerning his amendment, as follows: An editorial entitled "The Byrd Amendment," which was published in the Northern Virginia Daily on February 9, 1968; an editorial entitled "Federal Meddling Nose," which was published in the Mobile, Ala., Register on January 31, 1968; an editorial entitled "The Powers of the Presidency and the Congress," which was published in the Findlay, Ohio, Courier on December 27, 1967; and an editorial entitled "Vietnam in Perspective," which was published in the Des Moines, Iowa, Register on February 4, 1968.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Northern Virginia Daily, Feb. 9, 1968]

THE BYRD AMENDMENT

Virginia's Senator Harry F. Byrd Jr. scored a point for common-sense diplomacy when the House approved the Byrd-Mundt amendments to the Export-Import Bill on Wednesday.

The original Byrd amendment, and later a refined version coauthored by Senators Byrd and Karl Mundt, stipulated that funds from the Export-Import Bank would not be available to countries trading with North Vietnam. It also specifically prohibited the use of the Bank's funds to build a contemplated Fiat automobile plant in the Soviet Union.

The Senate passed the amended bill last session by a vote of 56 to 26, but there was considerable skepticism as to what the House would do. This doubt was erased Wednesday when the House acted favorably and wisely in passing the Senate version.

The adoption of the Byrd Amendment as an integral part of the Export-Import Bill represents an almost single-handed victory for the Virginia legislator. It also represents a singular victory for the American people, by applying a new measure of common sense in our dealings with other nations

The Byrd Amendment simply states that if you want to trade with the enemies of the United States, infusing strength into their war effort which will in turn result in the killing of more American boys, don't expect any help from us. This, to our way of thinking, is exactly the kind of sensible rationale we have needed all along. And, what's more, we believe that it's the kind of straight talk which will gain us far more world respect.

[From the Mobile (Ala.) Register, Jan. 31, 1968]

FEDERAL MEDDLING NOSE

That "Ouch" you may have heard could have come from the powers-that-be in Washington, D.C., who have been so efficient in botching the job there.

They have just been hit where it hurts. The hitting was done by Sen. Harry F. Byrd Jr. of Virginia. He would like to know why the federal government, if it is so competent as a counselor of the states on how to manage their affairs, has not been more effective against crime in the nation's capital itself.

Some others may have been wondering about that, too.

"We speak of civil rights," said the senator from Virginia. "I believe that all individuals should be protected in their civil rights, but civil rights are many and they are varied.

"The citizens of Washington, D.C. for example, have the civil right to walk our streets without being molested.

"We talk about the federal government taking charge of things. The federal government today has charge of the City of Washington.

"How many members of the Senate are very proud of the crime rate in our capital city? It is one of the highest crime rates anywhere in the nation.

"Yet the federal government is in charge. This is a federal city. There are no state laws in the District of Columbia. This is a federal city. The federal government has charge of it.

"If the federal government can do such a good job in telling the people of the 50 states how to run their governments, and how to bring order into their communities, if the federal government is so good that we must give it jurisdiction over the local affairs of the 50 states, then should not the federal government first be required to demonstrate that it can do a good job in this area?

"The best way they can demonstrate it is to do a good job in the City of Washington, D.C., where the federal government has total jurisdiction."

It is plain as day that a big part of the over-all trouble plaguing the American people today is an outgrowth of federal meddling in the affairs of the states.

Politicians in all three branches of the federal government—the executive, the judicial and the legislative—have participated in this costly meddling. Their trespassing to throw their weight around where it had no business has caused an abundance of misfortune and misery.

The bitter irony is that these trespassing federal politicians have falsely accused the states of violating the federal Constitution as an excuse for violating the federal Constitution themselves.

One of the nation's most acute needs is more men in Washington, D.C., like Sen. Harry F. Byrd, Jr., to emphasize the harm a clumsy federal meddling nose can do and insist on protection for the states against it.

[From the Findlay, Ohio, Courier, Dec. 27, 1967]

THE POWERS OF THE PRESIDENCY AND THE CONGRESS

Sen. Harry F. Byrd, of Virginia, won a signal victory the other day for retention by Congress of some of its powers that have been slipping away in recent decades, going into the hands of the White House, instead. The victory came in the final hours of the first session of the 90th Congress.

The matter came up through a provision in a bill that would have allowed a federal department to continue to spend in a new year what it had spent in the previous year, if by two weeks before the end of the fiscal year Congress, for some reason, had yet to appropriate the necessary funds for the new year.

Sen. Byrd argued that this amounted to tacit surrender by Congress of its constitutional responsibility. The Constitution stipulates specifically that a department may spend only those funds which have been appropriated by Congress, but the bill would have gotten around this clause by subterfuge. An amendment by Sen. Byrd was voted to cancel the obnoxious part of the measure.

"There has been created an imbalance of power between the legislative and executive branches," said the Virginia senator. "Either the executive has assumed too much power or Congress has voluntarily given him too much power.

"In any case, I think the imbalance should be corrected. I think Congress should seek to take back power that has been given unnecessarily to the chief executive; and most certainly we should not take another step which would continue and augment that imbalance.

"I cannot conceive of Congress saying, 'All right, Mr. President, you take charge of the purse strings, we do not want to be bothered with them.' And I cannot conceive of the Senate saying that."

Sen. Byrd emphasized in his statement that "Congress must stop delegating, giving away and surrendering power to the executive branch."

He went on to comment:

"If we must continue to do that, I begin to wonder why any of us would want to continue to serve in a body which has so little regard for its own responsibilities, its own rights, and its own prerogatives that it constantly seeks to give them away to somebody else."

Congress began giving away power in the 1930s, under the Franklin D. Roosevelt administration. It has done little to stop the flow since then. It is good to see such a move as that of Sen. Byrd now to seek to put things back in their proper relationship.

[From the Des Moines (Iowa) Register, Feb. 4, 1968]

VIETNAM IN PERSPECTIVE

Senator Harry F. Byrd, jr., (Dem., Va.) has concluded that a long, costly war in Vietnam "reacts to the advantage of the Soviet Union." Byrd reached this conclusion, not from a trip to Vietnam, but from a trip to the Middle East on a fact-finding mission for the U.S. Senate Armed Services Committee.

"Developments in the Middle East," he wrote in a report to the committee, "have come rapidly and at a time when the U.S. has been preoccupied with the war in Vietnam. But we must not downgrade developments in the Middle East. That area is of great strategic and economic importance to the free world, and the explosive possibilities are real and continuing. . . .

"While we are putting out a fire in the pantry, the Soviets are busy setting a fuse which could ignite a blaze in the rest of the house. Events in the Middle East should govern any basic decision regarding the North Atlantic Treaty Organization. It could be a serious mistake to diminish our power in Europe at a time when the Soviets are beginning to exert strong pressures in the Mediterranean."

Most of the members of the Senate Armed Services Committee have been "hawkish" on the Vietnam war. Senator Byrd's report may help them place the Vietnam conflict into world perspective.

Many so-called "doves" do not object to America's heavy commitment in Vietnam for moral reasons or because they oppose military action in itself. They fear that America's power is being wasted in an area of little strategic importance, leaving the nation vulnerable elsewhere.

The Middle East certainly is an area of vital strategic concern, especially because of its importance to the democratic countries of Western Europe. Senator Byrd is right, we believe, to emphasize the relationship of the Vietnam war to political and military happenings in the Middle East.

America's power is not limitless. The more of it that is used trying to contain a guerrilla insurrection in Southeast Asia, the less is available for meeting a threat to freedom in the Middle East—or in Korea, for that matter.

ORDER FOR RECOGNITION OF SENATOR KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. President, I ask unanimous consent that I be recognized for 15 minutes during the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 3052—INTRODUCTION OF BILL TO REVISE THE SELECTIVE SERVICE SYSTEM

Mr. KENNEDY of Massachusetts. Mr. President, I send to the desk a bill to revise the Selective Service System and I ask that it be received and appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3052) to amend the Military Selective Service Act of 1967 to provide for a fair and random system of selecting persons for induction into military service, to provide for the equal application of deferment policies, to authorize an investigation of the feasibility of establishing a volunteer army, and for other purposes, introduced by Mr. KENNEDY of Massachusetts (for himself, Mr. CASE, Mr. HART, Mr. KENNEDY of New York, Mr. MONDALE, Mr. NELSON, Mr. TYDINGS, and Mr. YARBOROUGH), was received, read twice by its title, and referred to the Committee on Armed Services.

Mr. KENNEDY of Massachusetts. Mr. President, the hallmark of a free society is a pervasive spirit of individual freedom and choice. In contrast, the hallmark of a closed society is compulsion. We must, then, be ever alert when our free society demands for its survival some constrictions on individual freedom and choice.

The survival of the United States depends in part upon an effective armed force. To maintain that effective force, our military services today rely on the draft to supply them with a steady flow of qualified young men. We must recognize that the draft is inherently a constriction on individual freedom and choice, as it relies upon compulsion to accomplish its purposes. Because it does rely on compulsion, we must be certain that its operation diminishes individual freedom and choice as little as possible. If we do not, if we are not certain that our draft is as fair as we can make it, then we have curbed the pervading spirit of a free society unnecessarily.

There are other powerful reasons for demanding that our method of military conscription be fair. Draftees are about 16.5 percent of total military strength. Draftees are 37 percent of total Army strength. They are 31 percent of Army strength in Thailand, and 42 percent of Army strength in South Vietnam. Draftees account for 41 percent of Army fatalities in South Vietnam. Draftees, then, account for less than 2 out of every 10 military men; but they account for 4 out of 10 Army combat deaths in Vietnam. Any system which must choose among equally qualified young men—some to be drafted, some not—must be as fair a system as we can devise.

The Vietnam war only serves to sharpen the focus on the draft. In past weeks draft calls have been revised upward. With the termination of graduate school deferments, the young men inducted to meet these higher calls will represent an entirely different cross-section of skills and motivations than has ever before confronted the military services. And as the intensity of the war increases, more and more draftees will wind up as war casualties. Consequently, I would expect the focus to get even sharper in the coming months.

In an effort to make our draft law fairer, I am today introducing a thorough revision of the law amended by Congress last June. The law now in effect is a patch-work of piecemeal additions and alterations. It satisfies no one. We must rewrite it, and must rethink its underpinnings, if we are to have a law which fairly reflects the spirit of our free society.

Before I outline my bill's major provisions, let me set out a brief outline of what took place last year. The Universal Military Training and Service Act, the successor to 1940's Selective Training and Service Act, was due to expire June 30, 1967. In preparation for congressional debate over draft law revision and extension, President Johnson appointed a National Advisory Commission on Selective Service, chaired by former U.S. Assistant Attorney General Burke Marshall. The chairman of the House Armed Services Committee, MENDEL RIVERS, appointed a Civilian Advisory Panel on Military Manpower Procurement, chaired by retired Army Gen. Mark Clark.

After these two groups had made their reports, the President on March 6 sent to the Congress his message on selective service. This message recommended adoption, either legislatively or by executive action, of the major reforms proposed by the Marshall Commission. I had introduced a concurrent resolution on February 23, which would have declared it to be the sense of the Congress that

these reforms were necessary and that the President should institute them by executive action.

During March, April, and May, three congressional committees held hearings on draft reform: the Senate Subcommittee on Employment, Manpower and Poverty, the Senate Armed Services Committee, and the House Armed Services Committee. On May 4, the Senate Armed Services Committee reported out an extension and revision of the draft law. This bill would have left wide discretionary authority with the President to institute the reforms recommended both by the Marshall Commission and the President himself.

The House Armed Services Committee, however, greatly changed the Senate-passed bill, adopting many punitive and restrictive provisions not in the Senate bill. The House adopted its committee's bill with little change. Virtually all of these provisions were adopted in the Senate-House conference, and this conference bill was accepted by the Senate on June 14 by a vote of 72 to 23. It was signed by the President in this form on June 30, 1967.

The bill I am introducing today is a complete revision of the law now in effect. This law now in effect is, as I have said, a product of the 1967 amendments being grafted onto the old law. My bill would repeal the law now in effect, and be a substitute for it.

Let me describe my bill's major provisions.

RANDOM SELECTION

In any situation short of total mobilization, only some men out of many must be involuntarily inducted for military service. This one simple and overriding fact precludes the draft from being completely fair and equitable.

But within the confines of this inherently inequitable framework—the necessity of choosing some men from among many—we can make drastic improvements over the system we have in effect now. The basis for this improvement is an impartial random selection system. This random selection system would be nothing more than a technique for determining, in as impartial a manner as possible, an order of call among those already determined qualified and available for service.

In the next few years, about 1,900,000 young men will reach age 19 each year. Thirty percent of these men, or 570,000, will be disqualified because they fail to meet the physical, educational, or moral standards of the Department of Defense. Another 30,000 will receive hardship deferments or legal exemptions. There will, consequently, be about 1,300,000 19-year-olds qualified and available for service each year. Based on past experience, some 570,000 young men will voluntarily enlist in a regular or officer program, leaving 730,000 qualified and eligible 19-year-olds who do not volunteer. Since the military requirements for new men might amount to 680,000 men, and 570,000 will volunteer, about 110,000 must be involuntarily inducted. And they must be inducted from among the 730,000 non-volunteers. This is the imperative of numbers: that our draft system must somehow choose the one young man out of seven qualified and available who will be involuntarily inducted into the military service.

These figures relate to a non-Vietnam situation, when our military strength reverts to its peacetime level of about 2.65 million men. This was the July 1965 level. Now, as the force level approaches 3.5 million men, more and more of the qualified and available men voluntarily enlist, and more and more must be involuntarily inducted. Thus, the problem is today not so much picking one man out of seven, as it is being sure that the one out of two picked and sent to Vietnam is picked in the fairest possible way.

In sum, then, there are two compelling reasons for adopting a random selection system of determining the order of call. The first is the desire to raise the element of equity to as high a degree as possible. The second is the imperative of numbers, of choosing one man out of seven.

My bill would require that the determination of order of induction be made by random selection. I have not written into the bill itself a specific plan for a lottery, as I prefer to give the President a measure of discretion in drawing up a plan and modifying it as conditions dictate. It is my understanding that a number of alternative random selection systems have been prepared by the executive branch, although they are not available for discussion publicly.

I have in the past proposed a specific plan for a random selection system. Under this plan, the Director of Selective Service would publish each month a list of numbers corresponding to the days in that month. Thus, there would appear on the list the numbers 1 to 31 for January, 1 to 28, or 29, for February, and so on. But these numbers would be arranged in a random sequence, which had been determined by a computer or some other means. The numbers for January, in this example, might read 11, 22, 7, 18, and so forth.

The Director of Selective Service would also set monthly quotas for each State, as he does now. Each State would set quotas for each local board in the State, as it does now. These quotas are based on proportionate formulas which involve the number of qualified and eligible registrants in a specific jurisdiction related to the number of such registrants in the Nation or State as a whole.

Each local board would also have, for each month, a pool of eligible young men. These men would be either 19-year-olds or constructive 19-year-olds, as I will later explain. In a non-Vietnam situation, this pool would have seven times as many men in it as are needed to meet the quota. Under the pressures of today's Vietnam requirements, the pool might have two or three times as many men as are needed to meet the quota.

If a local board, under this proposal, had a quota of 10 men for January, it might have 70 men eligible for induction. To choose the 10, it would refer to the list published by the Selective Service Director for January. Under this example, the first number was 11, the second 22, the third 7, and so forth. The local board selects first the man or men born on the 11th of January, next the man or men born on the 22d, and so forth until the quota of 10 men had been reached. These 10 would then be inducted. The remaining 60 men would not be called, but would, of course, continue to remain liable in the event of a national emergency. But these 60 would not be called until the pool of men in the following month had been exhausted. Thus, once the selection for a given month had been made, those not selected could be reasonably certain of their status and make their plans accordingly.

Some local boards might face the difficulty of choosing between different men born on the same day. This apparent problem could be easily solved by arranging the letters of the alphabet in a random sequence for each month, and then choosing on the basis of the first letter of the last name.

I want to emphasize that the plan I have just outlined is intended only as an illustration of the feasibility of a random selection system. Under the actual term of my bill, local and State quotas would be replaced by regional quotas, or by a national quota, depending upon which organizational alternative the President actually instituted. A national system would be the most equitable, and I would personally favor it. The Marshall Commission report describes how a random selection system based on national quotas would work.

In short, random selection is workable. I hope that we can have some definite action, and action soon, to permit the introduction of a random selection system. In this regard, let me quote from Senate remarks by the distinguished chairman of the Senate Armed Services Committee, Senator RICHARD RUSSELL, during the June 14, 1967, debate on the conference report on the Selective Service bill:

> The President has stated that the random system should be started before the first day of January 1969; and if he will propose, or the Senator from Massachusetts, or any of the other advocates of the random selection system, will introduce a bill that is reasonable and provides for a fair and workable random selection, we can get a law long before the first day of January 1969 . . . We had a firm agreement with the conferees of the other body that if the President would propose something definite that deals specifically with the subject of random selection, when and how it shall be applied, we would give it immediate consideration. I am not opposed to random selection, I have said that all the way through.

There is very little which can be added to that statement.

YOUNGEST FIRST

Today draft-eligible young men between 19 and 25 years of age are called in reverse order of age, the oldest man first. When draft calls are low, this policy has driven the average age of the involuntary inductee, at induction, to nearly 24 years. When draft calls are high, as they now are, the average age drops to about 19½ years, but when the draft calls are reduced the age will inevitably rise once more.

In 1966 the Defense Department reported to the Congress that a thorough

study of the effects of this oldest-first procedure "clearly revealed that this policy was not desirable from any standpoint." Among the problems of oldest first pointed out in this Defense Department report were:

The uncertainty it generated in the personal lives of the draft-liable men, who lived "under the gun" of the draft for 2 or 3 years. In fact, 39 percent of draftees in the 22 to 25 age bracket were told at least once by a prospective employer that they could not be hired because of their draft liability. The comparable figure for those entering in the 19 to 21 age bracket was 27 percent, and for those entering in the 17 to 18 age bracket was 11 percent.

The incidence of deferment rises sharply with age. At age 19, only 3 percent of classified registrants had dependency deferments and only two-tenths of 1 percent had any form of occupational deferments. But at age 24, nearly 30 percent of all registrants were in just these two deferred categories. Consequently, a rising average age of induction multiplies the number of deferment decisions each local board must make, while compounding the uncertainty each registrant faces.

Combat commanders have consistently preferred 19- or 20-year-old recruits. These younger men are considerably more adaptable to combat training routines. Further, problems associated with dependents are less frequent, and the costs of dependents' care are lower, for the younger men.

This Defense Department recommendation has had unanimous support in the last 12 months, and the only matter of concern is why it has not been instituted. The Marshall Commission, the Clark Panel, the President's message, the Senate and House Armed Services Committees' reports—all these have urged adoption of a youngest first procedure.

My bill would require that the selection and induction be made from among the youngest qualified and available registrants, the 19-year-olds, and not leave this matter to Executive discretion.

STUDENT POSTPONEMENTS

The Marshall Commission was divided over the issue of deferments for undergraduate students. A majority recommended that no new student deferments be granted in the future, with certain exceptions. A minority felt strongly that student deferments be continued, but so administered to guarantee that the deferments in no case became exemptions. The Clark Panel recommended, in effect, that undergraduate deferments be continued.

The President's message contained no recommendation on undergraduate deferments, instead waiting for a public discussion of the issue. The Congress responded by guaranteeing undergraduate deferments for students in good standing, until their graduation or age 24, whichever came first.

One of the gravest inequities in our draft system—an inequity which was not corrected in last year's amendments, despite assurances to the contrary—is that what begins as a temporary deferment for college enrollment is easily extended into a de facto exemption. This happens through putting an occupational or some other deferment on top of a college deferment. Ultimately time and advancing age make the temporary deferments exemptions in fact.

Consequently, my bill makes a number of changes in provisions governing student deferments.

Under its provisions, high school students would be deferred until they finish high school, as the law now provides. The draft law should in no way contribute to the already severe high school dropout problem. If, however, a student did not finish high school until after his 20th birthday, he would upon graduation—or dropping out—be considered a 19-year-old for draft purposes, and be put into the pool of those qualified and available for selection. He would, consequently, be a "constructive 19-year-old."

My bill would give a high school graduate another choice than facing exposure to the draft. He could choose to go on to college instead, thus postponing his entry into the pool of 19-year-old draft-eligibles and consequently his exposure to the draft. He would keep this postponement until he finished college or dropped out as the particular case might be, and would at that point be a "constructive 19-year-old." Under no conditions could this postponement extend beyond the 26-year-old cut-off date for determining draft eligibility.

Thus, everyone who did not voluntarily enlist would at some point in his 19 to 26 year span be exposed to the chance of being drafted, equally with his contemporaries.

This system offers a high degree of flexibility to each individual in setting out his education and career plans. It offers the military a broad mix of inductees—most would go in after high school, and some after college. Thus the wide-ranging skills the military needs would continue to be made available to it.

Further, this system assures the military of a continuing supply of officers. Nearly 80 percent of each year's new officers enter military service from college sources. About half are ROTC students, and the other half enroll in a wide variety of other officer-training programs, either during college or upon graduation. There is some concern that ending undergraduate student deferments would greatly reduce this flow of new officers into the military services, with their obvious broad range of backgrounds and educational training.

Thus, this new optional feature would enhance individual flexibility and assure the military of a continuing flow of officers. But some experts have criticized this plan by pointing out that it offers those who can afford college the choice of postponing military service during times of a shooting war, like Vietnam. Most individuals would today certainly choose to go to college for 4 years, if they could, rather than be drafted and perhaps be sent to Vietnam. To meet this valid criticism, while retaining the high degree of flexibility, my bill provides that the optional student postponements be discontinued when casualties reach a certain point. It will describe the operation of this discontinuance below.

My bill would also broaden the definition of "student" to make clear that all bona fide students receive equal treatment under its optional postponement feature.

Unfortunately, today students in junior and business colleges, and students in apprentice and vocational courses, are given a different draft classification than students in colleges, in plain contravention of congressional intent. This 2–A classification makes them more liable to the draft than the 2–S college deferment. Quite rightly, these junior college and other students claim that the draft treats them as second-class students.

Secretary of Labor Willard Wirtz put the issue succinctly, as he usually does when he testified on the manpower implications of Selective Service, on March 21, 1967:

> The question will be pressed more and more strongly of why and whether there should be any different treatment of young men who are in occupational training programs. My own answer is that there cannot justifiably be any such distinction made. It would be hard to prove, and it hasn't so far, that there is a larger value—either to the public or to the individual involved—in letting Bob finish college than in letting Jim complete his apprenticeship as a carpenter or letting John work his way up the unskilled steps toward a skilled job as a punch press operator.

It is clear that junior college and business college students should be treated similarly, and not exposed to the draft in any higher degree than college students. There may well be administrative or management difficulties when dealing with the problem of less-than-full-time students, but the principle of equality of treatment must be held to be paramount.

The Senate Armed Services Committee made its feelings plain on the subject of apprentices, in its report on the draft law extension last May:

> If student deferments are to be continued, the Committee believes that apprentices should be permitted to qualify for deferments under conditions no more restrictive than those applicable to undergraduate college deferments . . . If an apprentice is full time, satisfactory, and making normal progress, he should be eligible for deferment as an apprentice in the same manner as a college student.

Once again, though the legislative history is very plain, the operation of the draft system is at odds with it.

My bill would give each bona fide student the same option: he could enter the draft pool after highschool, or after his college or occupational training was completed. The GI bill, liberalized only recently, should spur many individuals to enlist or enter the draft pool right after high school, so that their education costs would be assisted in part under its provisions. But some proportion would undoubtedly prefer to wait until after college, and my bill gives them this flexibility while enhancing the overall equity of the system.

STUDENT POSTPONEMENT DISCONTINUANCE

I have already mentioned that the "timing" argument of offering optional postponements to students for draft purposes requires some mechanism to pre-

vent discrimination against those who do not have the option of going to college or graduate school, for economic or other reasons. This mechanism is a discontinuance of the option whenever Armed Forces casualties reach a certain percentage of the monthly draft call.

During any period when our Armed Forces are sustaining combat casualties, the President would be required to determine the total number of combat casualties each month. He would then put this figure beside the total number of registrants drafted that month. If the number of casualties reached 10 percent of the number of draftees, then the optional student postponement would be discontinued. But the discontinuance would take place only when the 10 percent figure was exceeded for 3 consecutive months. And when the discontinuance did take place, it would stay in effect for the following 12 months.

This discontinuance will insure that when draftees face an appreciable risk of being sent off to a shooting war, all young men must stand as equals at that particular time before the draft process. To permit some to elect to enter college, thus postponing exposure to the draft for 4 years, while denying this election to others, would be to continue one of our present system's worst features.

It is important to note that the discontinuance would not apply to students already in college or occupational training when the 10-percent figure was reached. These students made their choice to enter college or training not out of a desire to avoid being drafted into a shooting war, because the shooting had not reached an appreciable extent when their decisions were made. Thus, it would apply only to those whose decisions on whether to take up the option was made in the light of combat casualties.

It is also important to note that even when the 10-percent limit has been reached and the option discontinued, those not actually selected for induction would be free to go on to college, school, jobs, or whatever.

Casualties in Vietnam are running above 10 percent of the draftees. In the first 6 months of 1967, draftees totaled 87,600 and casualties 37,500—or over 40 percent. Consequently, my bill would discontinue the granting of student postponements during the Vietnam war.

This discontinuance provision insures that the option feature is fair.

CONSCIENTIOUS OBJECTORS

That there exists in our draft statute a formal provision exempting conscientious objectors from combat duty is a credit to our democracy. It is legislative recognition that our society is strong enough to accommodate those who cannot in conscience participate in the killing of other men.

Conscientious objection can take either of two forms under the statute, depending on the nature and extent of the objection. A conscientious objector may be assigned to noncombat service in the military, such as in hospitals or in administrative work. Or, he may be assigned to 2 years of civilian work, if he objects to both combat and noncombat military service. A number of this latter group are serving as civilians with voluntary agencies in Southeast Asia.

Until last year, the law on conscientious objectors was quite clear, the Supreme Court in the 1965 case of United States against Seeger having interpreted the law and laid down some guidelines. But last year's amendments overruled the Seeger case, in effect, by eliminating the language on which the decision rested.

The old law granted conscientious objector status to an individual who "by reason of religious training and belief is conscientiously opposed to participation in war in any form. Religious training and belief in this connection means an individual's belief in a Supreme Being involving duties superior to those arising from any human relation."

In the Seeger case, the Supreme Court interpreted this language to mean "a given belief that is sincere and meaningful and occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption."

The new law eliminates the Supreme Being clause, thus implying that only an orthodox belief in God will qualify an individual for conscientious objector status. This apparently overrules the Seeger case. The Selective Service System has told its State and local boards that the change means a narrower definition of conscientious objector. This accords with the views of a majority of local board members in one State who, according to the Marshall commission report, feel that conscientious objectors should not be deferred at all. On the other hand, a number of lawyers experienced in this field believe the courts will still uphold Seeger, on other grounds. But this important subject will be unclear until eventually resolved by the courts.

My bill would restore the language of the statute as in effect before the 1967 amendments. This would have the effect of reinstating the Seeger case as the controlling precedent.

UNIFORM NATIONAL STANDARDS

A consistent criticism of our present draft system is the utter lack of uniformity in its interpretation. The basic cause of this lack of uniformity is the wide variance in guidance the local boards receive.

That guidance comes in the form of the statute itself, regulations, operations bulletins, local board memoranda, directives, and letters of advice. The State directors also may issue instructions to the local boards. As a result, local boards across the country receive varying amounts of guidance on the same subject and the guidance is often conflicting.

In 1966, 39 State directors issued 173 bulletins, directives, or memorandums to their local boards dealing with deferment policies. Some State headquarters sent no guidance; one headquarters sent 13 separate sets of instructions. The resulting potpourri of deferment policies should surprise no one.

Alabama and New York treated the results of the college qualification tests as mandatory; Idaho and Texas said they were only advisory;

New York City and Oklahoma defined "full-time student" as one taking 12 semester hours; Oregon and Utah used 15 hours; Florida adopted the definition of each individual college or university;

Kentucky classified any registrant attending school "below college level" as 2–A—occupational deferment; Arkansas classified registrants in "business school or similar institution" as 2–S—student deferment; Kansas classified registrants in a "vocational, technical, business, trade school, or any institution of learning below college" level as 2–S;

Missouri and Illinois would not cancel induction orders if the registrant submitted a "pregnancy statement," New Mexico would;

Three civilian pilots doing the same job for the same airline were called for induction; one board deferred two of them, while another board classified the third as 1–A; and

Returning Peace Corps volunteers are put at the top of the list in some States, while others put them at the bottom.

Further examples of the variability of local board performance in applying our draft law are as numerous as there are boards making decisions. This variability is one clear reason why cynicism about the system is so rampant.

Dissatisfaction about the lack of uniformity is not limited to the registrant themselves. The Marshall Commission reports that 46 percent of local board members believe that more specific policies on occupational deferments are needed, and 40 percent believe that more specific policies on student deferments are needed. Once again, we find an anomaly in the operation of our draft system: The President has proposed "that firm rules be formulated, to be applied uniformly throughout the country," the Marshall Commission has so recommended, fairness and commonsense so demand, and nearly half of local board members themselves so believe would be an improvement.

The 1967 amendments permit the President to establish national standards for classification, and to require that these standards be uniformly administered throughout the country. My bill would make the adoption of national standards and criteria mandatory, and would require that they be administered uniformly.

I should point out that these national standards would not be utterly inflexible, because they deal not with mathematical measurements but with human beings. The point is simply to be as sure as we can that a young man in one part of the country faces the same exposure to the draft as in another part of the country.

Accidents of geography should not determine who goes to war and who does not.

HARDSHIP DEFERMENTS

Hardship deferments must be continued. There are many individual cases where drafting a young man would cause a severe hardship either to him or to his family. One case often cited as an example is that of the 19-year-old boy who works to support his widowed mother and his brothers and sisters. Taking the wage earner away from his family for 2

years in this instance is an undesirable hardship.

Under my bill, the initial hardship deferment classification would be made by an area Selective Service office, instead of by local boards as is now the case. Appeals regarding this initial classification would be presented to local boards. This combination will assure a greater uniformity than presently exists in conditions governing hardship deferments, but at the same time retain the familiarity with local problems which is potentially a distinguishing mark of the local boards.

OCCUPATIONAL DEFERMENTS

When he testified on the Manpower Implications of Selective Service, Secretary of Labor Willard Wirtz said:

It is my position that there is little basis in the present or prospective manpower situation for any "occupational deferments" from military service—especially if the draft call is concentrated on the 19-year age group.

He made this unequivocal statement from a unique vantage point: Secretary Wirtz is this Nation's chief manpower specialist. In the past, he was charged with determining which "critical occupations" should be deferrable. So he made that statement with a broad background of expertise. He also pointed out that more than half of those with occupational deferments were in jobs classified as neither essential activities nor critical occupations.

The Marshall Commission made a similar recommendation, saying that "no new deferments for occupation should be granted in the future." In the 1967 amendments to the draft law, Congress directed the National Security Council to recommend policies on occupational deferments. Pursuant to this directive, the National Security Council recommended on February 16, 1968, that occupational deferments be discontinued. Its memorandum of advice said in part:

The National Security Council advises that the Secretaries of Defense, Labor and Commerce should maintain a continuing surveillance over the nation's manpower needs and identify any particular occupation or skill that may warrant qualifying for deferment on a uniform national basis. When any such occupation or skill is so identified, the Council will be notified so that it may consider the need and advise the Director of the Selective Service System accordingly.

This recommendation is based on these considerations:

The needs of the Armed Forces do not now require such occupational deferments.

The needs of the civilian economy do not now require such occupational deferments.

The inherent inequity, at a time when men are called upon to risk their lives for the nation, in any such occupational deferments from military service which may in practice turn into permanent exemptions.

That, too, is an unequivocal statement.

But the advice transmitted to State directors of the Selective Service, and to local boards, varies widely from that advice. General Hershey's telegram to State directors, pursuant to this National Security Council memorandum, states in part:

Each local board (is left) with discretion to grant, in individual cases, occupational deferments based on a showing of essential community need.

This is clear evidence that occupational deferments are not ended at all—rather, they are continued, and left to the discretion of the 4,084 local boards. There will, consequently, be 4,084 different sets of rules governing occupational deferments. This may well be a step backward: in the past, only half of those with occupational deferments received them based on the unguided judgment of local boards; the other half were in jobs listed as essential or critical. Now, however, there is no national guidance, in direct opposition to the National Security Council recommendation.

The effect of this broad discretion is clear. A high-ranking officer of a defense contractor said this week that about 800 of his company's 90,000 employees were affected by the new rules. But he added that he expected the local draft boards to continue the deferments of many of these affected employees.

Part of the reason for this officer's assurance is a little understood quirk in the way the system today operates. Although a registrant cannot change his local board if he moves, a man with an occupational deferment can use the appeal board in the area where he is employed. It is very easy to visualize this picture: a man now living and working in another city is denied an extension of his occupational deferment by his own local board. He then takes his case to the appeal board serving his new community. Because the appeal board is sensitive to the economic needs of its own area, it would probably view the continuation of the occupational deferment as essential to its own community need. Statistically, appeals boards in industrial areas reverse local boards by reinstating occupational deferments taken away by the local boards far more often than any other reversal action.

In sum, there can be only one conclusion: so long as we continue occupational deferments, special privileges granted to some individuals but not others will protect the former from equal exposure to the draft.

One other important factor militates against continuing occupational deferments: they can be the vehicle for pyramiding deferments into exemptions. This loophole exists right now, as it has in the past. Until it is corrected, we will not have a fair draft system.

My bill would discontinue occupational deferments, except upon a Presidential finding that a particular skill or occupation warrants deferment on a uniform national basis. This would preclude the occupational deferment from becoming the protected haven it is today.

MILITARY YOUTH OPPORTUNITY SCHOOLS

Each year, some 700,000 young Americans are found unfit for military service. This is about one-third of all the young men examined. About half are disqualified because of health deficiencies, and the other half because of educational deficiencies.

The Marshall Commission called these "alarming statistics, affecting directly our national security." Few could or would question that judgment.

These failures reflect inadequate education, poor medical facilities, poverty, discrimination—the litany of social ills which we as a Nation are committed to overcome. The problem we face is eliminating the conditions causing the reasons for rejection. To do so, we must reach far back into each individual's years of development and training. We cannot expect the military services to do this.

But the Department of Defense is making determined efforts to reduce the number of rejectees. Foremost among these efforts is Project 100,000. Assistant Secretary of Defense Thomas Morris described Project 100,000 in these terms when he testified on the manpower implications of the Selective Service:

Under this program, we have made revisions in our mental and physical qualification standards. Under these standards, our objective is to qualify 40,000 men in the 12-month period ending September 1967, and 100,000 per year in subsequent years. These men would not have been accepted under the draft standards or enlistment policies previously in effect. They are, typically, men who, because of lack of educational opportunity or incentives, have done poorly in formal classroom achievement. It is our judgment that these men can best be trained, therefore, in our established training centers and schools, along with other new recruits to service. All but a small fraction of these men, we believe, will require no special assistance to complete their basic training.

Project 100,000 completed its first year on September 30, 1967. Its goal was to take 40,000 rejectees; it actually took 49,000. About 85 percent would have failed the educational tests, and 15 percent the physical tests without a revision in the standards. About 60 percent were volunteers, and 40 percent came through the draft. Sixty percent were white, and 40 percent Negro or other nonwhites. The average age was 21. Thirty percent were unemployed, and another 26 percent earned less than $60 a week. The average reading score is barely at a sixth grade level; 14 percent read at third grade level or less.

Secretary of Defense McNamara has said that the Defense Department began Project 100,000 because it was convinced that "given the proper environment and training, they can contribute just as much to the defense of their country as men from the more advantaged segments of our society."

The results of Project 100,000 bear out this conviction. Ninety-eight percent of traditional categories of recruits finish basic training; 96 percent of Project 100,000 men graduated—only 2 percentage points less than the traditional recruits. Many military commanders report that these men turn out "to be even more highly motivated than some servicemen with a much more privileged background," to quote Secretary McNamara. This is evidence that Project 100,000 has in no way caused a dilution of our actual military performance standards, and has in fact augmented these standards.

At this point, I should note that Project 100,000 has done considerably more than augment our military performance standards. Because it takes a large number of volunteers—60,000 this year—who previously would have been rejected, it reduces the number of men who must

be drafted. And because it gives skill and occupation training to young men previously classified as dropouts from society, it has reduced welfare burdens and increased job opportunities.

Project 100,000, then, is a marked achievement, and its accomplishments deserve acclaim.

But there is more the military services could achieve. To quote the Marshall Commission:

> The Commission feels that any American who desires to serve in the Armed Forces should be able to serve if he can be brought up to a level of usefulness as a soldier, even if this requires special educational and training programs to be conducted by the services.

The Department of the Army made a limited attempt at a program of this type in 1964, and called it the special training enlistment program—STEP. It was designed as an experimental program of military training, educational and physical rehabilitation of enlistees who fell short of regular standards, but who could be brought up to these standards with short periods of educational training or medical rehabilitation. Normal basic training costs about $3,300 per trainee; the additional cost per trainee in the STEP program was estimated at $2,100. The program was to be made available to 15,000 enlistees a year. The project was never actually undertaken because of a specific objection to it contained in the Defense Department appropriation bill.

My bill would require the Secretary of Defense to study and investigate the feasibility of military youth opportunity schools. These schools would offer special educational and physical training to volunteers who did not meet the current induction standards. The Secretary of Defense would report to the President and the Congress on the results of this 1-year study and is given considerable latitude in making the study.

These schools are a logical extension of the successes of Project 100,000. They could further increase the percentage of volunteers in service, and further reduce draft calls. They would produce highly motivated, all-volunteer servicemen. And they would help correct the social inbalance afflicting our society while increasing our military capabilities.

STUDY OF VOLUNTEER ARMY

Public figures with as widely divergent views as Barry Goldwater and John Kenneth Galbraith and associations as diverse as the Ripon Society and the New Left have urged that the draft be scrapped in favor of an all-volunteer army. Sixty-one percent of students polled by the U.S. Youth Council favor a volunteer army.

An all-volunteer army would certainly be closer to the spirit of a free society, as it would require no compulsory service. It would reduce turnover in the services, and thus reduce cost. It would probably raise the level of skill of each individual serviceman. It would eliminate the problem of the conscientious objector. And it would remove all problems of uncertainty.

But at least one problem with an all-volunteer army is illustrated by the same U.S. Youth Council poll which showed 61 percent of the students in favor of an all-volunteer army: 58 percent of the students said they personally would not volunteer. There are as well a number of other problems. The estimates of the cost of an all-volunteer army—primarily in higher salaries—range from $4 billion to $17.5 billion. Some experts have claimed that an all-volunteer army would be largely Negro. An all-volunteer army may not have the flexibility we need to meet widely changing manpower needs. Finally, there is some danger that an all-volunteer army of professionals, together with the military-industrial complex which would support it, would represent an ever-present threat to political freedom.

At present, we do not have enough specific information to decide whether these problems are more apparent than real. For that reason, my bill requires the President to conduct a 1-year study of the costs, feasibility and desirability of replacing our present combination of voluntary and involuntary inductions with an entirely voluntary system of enlistments. The President would report to the Congress on his findings and recommendations.

The voluntary army concept is of high importance. But we need considerably more information than we now have to determine whether it is the right system for our society. My bill would provide us with this information.

STUDY OF NATIONAL SERVICE ALTERNATIVE

A subject much discussed in the past few years is whether we can devise some form of nonmilitary national service as an alternative to military service. A corollary subject has been the feasibility of compulsory national service for all young Americans, including both military and nonmilitary service.

Both subjects have much merit. Many young people in this country feel a strong obligation to serve their country or their fellow man through some form of public service. Many of these same young people, however, feel strongly that they can make more substantial contributions in nonmilitary service. The overwhelming response from all across the country to the Peace Corps, to VISTA, and to the Teacher Corps indicate that our young people are committed and willing to serve their country.

A number of different specific proposals for national service have been put forward.

Gen. Dwight Eisenhower has suggested that we adopt a system of universal training for all young men. It would be a system of military, physical and remedial training, administered by the Department of Defense. Only those with serious physical and mental defects, and those who volunteered for military service, would be exempt. General Eisenhower's proposal would be designed to promote physical fitness and self-discipline among America's young men.

Some have suggested a system under which all qualified young men would serve in the military or in a variety of civilian programs for 2 years. Those who elected military service would receive either higher pay, or serve a shorter period of time than those in civilian programs. Because this is a compulsory program for all young men, it would reduce the present draft inequities.

Others have suggested a system of voluntary national service. Under this proposal, those who did not want to enter the military services could instead elect an alternative form of service, and they would in this way satisfy their draft obligation. They would serve longer or receive less pay and other incentives than those in the military services, in an effort to equate the two different forms of service. Clearly, this system would have to be discontinued in times of a shooting war, to prevent some young men from opting their way out of the risks of being sent into combat.

All of these proposals have obvious merit. Youths in national service here at home could help solve some of the major problems confronting our society, such as education, conservation, housing, medical care and others. They could do so by providing manpower for neighborhood health centers, legal aid, managerial assistance, a "disaster corps" to help victims of earthquakes, floods and other disasters. Overseas, as the Peace Corps has illustrated, the needs are just as great. In short, there are vast numbers of jobs to be done, and we are not now making the manpower we potentially can available to get the jobs done.

My bill would require the President to make a study of the feasibility of a National Service Corps in which individuals seeking nonmilitary service could fulfill their obligation of service to the country. The President would report to the Congress on the results of his 1-year study.

DRAFT AS PUNISHMENT

Mr. President, military service is and should be an honor and a privilege. It should in no way be considered a punishment.

For that reason, my bill would prohibit local boards from reclassifying draft protesters as delinquents and subjecting them to immediate induction. Instead, whenever a protester took part in any illegal activity, he would be prosecuted under the law's criminal provisions and, if found guilty, be punished accordingly.

We should in no way protect draft protesters from the processes of the law. But neither should we draft them and send them off to serve beside men who are proud to be serving their country. My bill would prohibit using the draft as a punishment and would instead rely upon the U.S. attorneys and the courts to enforce the provisions of the law which govern illegal activities.

SELECTIVE SERVICE DIRECTOR TERM

Most Presidential appointments carry a fixed term of service, and are not open-ended. My bill would conform the Selective Service law to most other Federal statutes, by requiring that appointment as Director of the Selective Service be for a 6-year term, and that at the end of the 6-year term the President must make a new nomination and the nomination must be confirmed by the Senate. There is no prohibition against renomination of the same individual as many times over as the President requires. This new provision would not apply to the current Director, General Hershey.

ALIENS

Under our draft law, aliens are subject to confining, confusing, and discriminatory treatment. For example, when the law was written, the NATO countries required 18 months' service. The law consequently provides that an alien in this country who has served 18 months in the military service of a nation with whom we are allied, is not subject to draft in the United States. But since this provision was written into the draft law, the NATO countries have lowered their service requirement to 16 months. Thus, aliens who have fulfilled their military service in their own country, and are now in this country, find themselves subject to our draft. This is in direct contravention to a number of treaties in force between this country and our allies.

Numerous other examples of the need to revise our draft policies toward aliens were made by the Department of State to the Marshall Commission.

My bill adopts the recommendations of the Department of State with regard to aliens and the draft. These are:

That all nonimmigrant aliens should be exempt from military service.

That resident aliens should not be subject to military service until 1 year after their entry into the United States as immigrants.

That 1 year after entry, all resident aliens should be subject to military draft equally with U.S. citizens unless they elect to abandon permanently the status of permanent alien and the prospect of U.S. citizenship.

That aliens who have served 12 months or more in the Armed Forces of a country with which the United States is allied in mutual defense activities should be exempted from U.S. military service, and credit toward the U.S. military service obligations should be given for any such service of a shorter period.

These changes can assure that our draft policy toward aliens is coherent, and rational, and that it comports with our international treaty obligations.

JUDICIAL REVIEW

The 1967 amendments added a provision to the law which denies judicial review of any draft classification and processing action, unless the registrant is a defendant in a criminal action. In other words, the decisions of the Selective Service System are insulated from the reins of Federal court review unless one desiring to challenge the decisions accepts the stigma of being charged with a criminal violation of the draft law. This is surely an extraordinary interpretation of the process.

This provision was intended to prevent cases similar to Wolff against Selective Service Local Board 16. In that case, the U.S. Court of Appeals for the Second Circuit held that by reclassifying participants in a demonstration against the Vietnam war as "delinquents" and subjecting them to immediate induction, the local board had both exceeded its jurisdiction and had caused an immediate and irreparable injury to the participants' constitutional rights. Consequently, the suit was sent back for further hearing by the district court.

In its opinion, the second circuit noted that:

> Normally it is desirable not only that the administration (of the draft law) function with a minimum of judicial interference but also that, when the administration does err, it be free to work out its own problems. But, as noted above, there are competing policies and when as here a serious threat to the exercise of First Amendment rights exists, the policy favoring the preservation of these rights must prevail.

The court pointed out that the National Appeal Board had concluded unanimously that the reclassifications were valid, and that General Hershey had stated repeatedly that the reclassifications were proper. Thus, it would have been a futile recourse to pursue the normal appeal procedure, and the Federal court thus accepted jurisdiction.

Now, that is all changed. If the same demonstrators were today reclassified, they could seek judicial review only when they had been through the entire appeals process, and only after they had been inducted—when the reclassification would be moot; or had refused induction—when they would be charged with a criminal violation of the law. Further, the courts would be virtually prohibited from considering the question of the local board's exceeding its jurisdiction in the reclassification proceeding.

I think this is an unprecedented attempt to work mischief with constitutional rights, and that it should be stricken from the law. Accordingly, my bill would strike it.

PROSECUTOR'S DISCRETION

The 1967 amendments require the Attorney General of the United States, on the request of the Director of Selective Service, to prosecute a given selective service case or to advise the Congress, in writing, of the reasons for his failure to do so. This is a virtually unprecedented provision, and goes against the grain of our long established legal protection. Only experienced prosecutors have sufficient judgment to determine whether a given case merits the expenditure of public funds, or whether a case would not merit such an expenditure.

My bill restores the provision of the old law, giving prosecutorial discretion back to the prosecutors.

LOCAL BOARD DISCRIMINATION

The present draft law prohibits discrimination in determining the composition of local boards—but only discrimination on account of sex. Despite the fact that the racial discrimination issue has already been raised in court cases, the law nowhere prohibits discrimination on account of race, religion, or creed. Should we interpret the explicit mention of discrimination by sex to mean an implicit acceptance of discrimination on other grounds? I, for one, would hope not.

But to be sure, my bill would explicitly prohibit discrimination by race, color, creed, or sex in determining the composition of local boards.

My bill makes another change in the law governing the composition of local boards: it requires the membership of a local board to represent all elements of the public it serves, insofar as practicable. The Marshall Commission developed statistics which clearly reveal how unrepresentative local boards are in many instances. At the time the Commission report was issued a year ago, Alabama had no nonwhite local board members, yet more than 30 percent of the State's population was Negro. In New York City, 4.6 percent of the local board members were nonwhite yet 14.7 percent of the city were nonwhite. In the District of Columbia, 36.2 percent of the board members were nonwhite, while 54.8 percent of the District were nonwhite. And in Massachusetts, six-tenths of 1 percent of board members were nonwhite, while 2.4 of the State were nonwhite.

The statistics are a cause of great concern, and the President has requested General Hershey and the State Governors to bring local boards more in line with the population they represent. My bill would require that the boards be so constituted, and not leave it to the discretion of the Director of the Selective Service and the State Governors.

REORGANIZATION OF THE SELECTIVE SERVICE SYSTEM

The Marshall Commission concluded that "the United States has outgrown its Selective Service System." It presents a wealth of logic, statistics, facts and findings which reinforce this conclusion. This information also justifies a second conclusion: that the System has operated for 25 years with dedication and selfless patriotism on the part of those officials charged with its administration.

Today's structure is built on the concept of the local boards, which the Selective Service characterizes as little groups of neighbors on whom is placed the responsibility to determine who is to serve the Nation in the Armed Forces and who is to serve in industry, agriculture, and other deferred classifications.

In point of fact, this characterization is inaccurate. The Marshall Commission points out that "the 'neighborly' character of local boards seems to exist more in theory than in fact."

There are a number of reasons for this. Most boards in urban areas operate in anonymity. More than half of metropolitan local boards are centrally located and operated. A large percentage of local board registrants have not lived in the local board area for years. Local board clerks perform a great deal of the work—to such an extent nearly 20 percent of local boards report that nine out of ten classification decisions were virtually automatic.

Based on these facts, the Marshall Commission recommended a restructuring and consolidation of the Selective Service System along these lines:

A national office, similar to that now existing;

A series of regional offices, perhaps eight in number, corresponding for national security reasons to the eight regions of the Office of Emergency Planning;

A series of area offices, numbering 300 to 500, corresponding to the 231 standard metropolitan statistical areas, the 149 cities over 25,000 outside these SMSA's at least one area office in every State;

Appeals boards operating contiguous to these three types of offices.

Under this plan, registration and classification would be handled at the area offices. Local boards would be retained,

but their function would be changed. The local boards would become the registrant's court of first appeal, and they would have the authority to sustain or overturn classifications made in the area offices. This insures that the great strength of the local boards—a group of citizens divorced from the Federal system—would be applied where it is most critical.

My bill would change the present law by requiring that the system be reorganized as proposed by the Marshall Commission. President Johnson indicated a year ago that he was establishing a task force within the Government to review the Marshall Commission recommendations, to determine their "cost, the method of implementation, and their effectiveness." I am sure that by now this task force has completed its work, and that its findings can speed development of the new structure.

This new structure can increase the likelihood that the draft law will be administered not by a rule of discretion, but by a rule of law.

CONCLUSION

I have outlined above a brief explanation of the major changes my bill would make in our selective service laws. These changes are badly needed.

The recent announcement regarding the termination of graduate school deferments is yet another illustration. That action will make about 225,000 graduating college students and first year graduate students immediately eligible for the draft in June. The draft call for the year beginning July 1 is expected to be about 240,000. In other words, nearly all the draftees will be graduate students and recent college graduates.

The Army is not happy with this fact. Neither are the graduate schools whose enrollment will be drastically reduced. And neither are the graduate students whose course of study will be interrupted. It has been reported that other methods of handling the transition between blanket graduate student deferment and prohibition against graduate student deferment were recommended. One of the fairest of these was made by Nathan Pusey, president of Harvard University. It has also been reported that the Selective Service System advised that it did not have the management skills to put any of these alternative recommendations into effect.

That is, to my mind, a serious indictment of our Selective Service System. Because of its archaic structure and procedures, we were forced to adopt a mechanism which satisfies no one.

We need draft reform today, just as we did last year and the year before. We have not been protecting our individual freedoms as jealously as we might in our draft law, and for that reason alone we must change it.

Mr. GRUENING. Mr. President, will the Senator from Massachusetts yield?

Mr. KENNEDY of Massachusetts. I am happy to yield to the Senator from Alaska.

Mr. GRUENING. I applaud the efforts of our distinguished colleague the senior Senator from Massachusetts to reform the draft. It has been full of inequities and injustices which are widely known, but nothing has been done about it. Particularly do I applaud his thinking about the desirability of a volunteer army. I would go a little further than he has because in this particular war I think the draft itself is most unfortunate and indeed is a major inequity. We have had it before in previous wars, but I think more widely spread throughout our land in regard to this particular war is the feeling that there is less justification for it than for our previous wars in which the elements of national danger or national security were evident; whereas, in my view, these factors are not present at all in this war in Southeast Asia for reasons which I have frequently stated.

Let me say that we should consider very seriously eliminating the draft to this extent; namely, that we should allow draftees to choose whether they wish to serve in Southeast Asia or not. The reason for that is—and I think it is amply justified—if a man enlists in the regular Armed Forces, whether it be the Army, Air Force, the Navy, or the Marine Corps, he knows when he takes his oath of enlistment that he has got to go where the Commander in Chief sends him. He may not like this war. He may feel that it is wrong, but he has made a commitment. The draftee, on the other hand, does not have that choice.

I am convinced that the amendment which I have sought twice previously to introduce, without success so far, if adopted, would perhaps result in half the volunteers going to Southeast Asia for one reason or another. I can document that estimate by citing a specific example.

I have a grandson who volunteered for service in Vietnam. He is a 19-year-old. He is in the paratroopers. He believed that he should go. I think that if such an amendment were enacted perhaps half of the draftees would go to Southeast Asia and perhaps half would not.

It certainly would be a good affirmation of the principles of freedom which we allegedly espouse if that were to be done. It would strengthen support for the war in Vietnam.

I feel definitely that a volunteer army is and should be a thing of the future, that we should have a professional army composed of volunteers, adequately paid, and adequately compensated in case of injury, and so forth; but to conscript our boys to go down there and fight, in many cases against people against whom they feel they have no grievance, and perhaps die in the process, particularly when we think of the terrific corruption which the Senator from Massachusetts has recently so ably called attention to, is in my view unjust and indefensible.

Our boys are dying in Vietnam to help keep in office a corrupt regime, a regime which freely permits draft evasion of its own boys. Desertions from the South Vietnamese Army are tremendous. There were 96,000 of them in 1966. In 1967 that number rose to 110,000.

Therefore, I hope that when this proposed legislation is heard in committee and debated on the floor of the Senate, the Senator from Massachusetts will consider a modification which will make it possible to allow draftees to choose whether they will or will not go to Southeast Asia.

Mr. KENNEDY of Massachusetts. I appreciate the comments of the Senator from Alaska. I know that he has been long interested in a volunteer army, along with other Members of the Senate. He has made his case with great eloquence and great feeling. I also know that in the course of any kind of study concerning a volunteer army, the views and comments of the Senator from Alaska would be extremely valuable and will be weighed by the Members of this body.

Mr. GRUENING. I would be most happy, when the Senator holds hearings, to present my views. This is such a burning question and goes so deeply to the hearts and minds of our younger generation—as well as the older generation, for that matter, the parents of these boys—that I think we should have full discussion and exploration of the subject.

Mr. KENNEDY of Massachusetts. I very much appreciate the comments which the Senator from Alaska has just made.

DRAFT LAW REVISION

Mr. YARBOROUGH. Mr. President, I commend the very capable senior Senator from Massachusetts [Mr. KENNEDY] for this thoughtful and exhaustive proposal for the revision of our selective service laws. This is clearly one of the most important issues that will come before us this year, and it is one that commands our closest attention.

Revision of our present draft system, which is riddled with loopholes and inequities, can no longer be avoided by the Congress of the United States. We are engaged at this very moment in an ever-deepening conflict that has interrupted the domestic pursuits of over half a million young Americans and put them 10,000 lonely miles away. This involvement has necessitated the involuntary conscription of a great many young men.

As Senator KENNEDY said in his remarks:

> The problem today . . . is being sure that the one out of two picked and sent to Vietnam is picked in the fairest possible way.

That is my interest in this legislation. No draft system short of total mobilization can be completely equitable, for some must go while others stay. Nonetheless, it is incumbent on those of us who write the laws that conscript men for war to write the most equitable laws that we possibly can.

People of Texas are concerned about inequities and shortcomings in our present selective service procedures. I have received considerable correspondence from the people of my State questioning several aspects of our draft law. This concern deserves articulation and these questions deserve answers.

I have agreed to cosponsor this bill because I endorse the need for a more responsive and equitable law—a law that will, among other things, pay no heed to the amount of wealth or influence a potential draftee might have.

The provisions of Senator KENNEDY's measure are imaginative and far reaching. I have questions about some of them, and I will take a long, hard, and careful look at every aspect of this bill as it goes through the legislative process. I intend to take a most active interest in the development of this measure, which directly or indirectly affects the lives of practically every individual in America.

Though we may have reservations about specific provisions in the bill, the issue of draft law reform is one that no responsible public official can avoid. I will speak to the specific provisions of this bill later, but for now I am pleased to join with Senator KENNEDY and others in the introduction of this needed revision of an inadequate law.

Mr. KENNEDY of Massachusetts. Let me thank the distinguished senior Senator from Texas for his comments. I know how hard he has worked to make sure our veterans get fair treatment and the recognition they deserve, and I know last year how hard he worked to have a fair draft law enacted. It is an honor to have him associated in this bill.

Mr. NELSON. Mr. President, today I am joining the senior Senator from Massachusetts [Mr. KENNEDY] to sponsor legislation to revise our existing Selective Service System.

With the amendments which were added to the Selective Service Act last summer, our draft law has become a monstrous montage of disparity and dispair. It is cluttered with restrictive regulations and is based on outmoded principles.

Our Selective Service System has drifted from the original goal of universal military conscription to a procedure of unjust and inequitable induction.

Our society is constantly changing, as are the needs of the military. It is now time to revise our draft law and keep pace with progress.

This legislation will establish a system of random selection, provide for the selection and induction of the youngest eligible registrants first, extend an equitable educational option to all students but discontinue the option in times of high combat casualties, restore the law's original provisions regarding conscientious objectors, require the establishment and administration of uniform national standards, improve the procedure for granting hardship deferments, eliminate occupational deferments with the exception of those granted on a national level by the President, launch much-needed studies in the fields of Military Youth Opportunity Schools, a volunteer army and a National Service Corps, prohibit the use of the draft as punishment, establish a fixed term for the Director of the Selective Service, improve the treatment of aliens under the provisions of the draft, restore judicial review of draft classifications and processing actions, give the discretion to prosecute Selective Service cases back to the prosecutors, prohibit discrimination in the composition of local draft boards and revise the requirements for membership on the board and require the system to be reorganized as generally proposed by the Marshall commission.

Mr. CASE. Mr. President, I am very glad indeed to join as a cosponsor with the distinguished senior Senator from Massachusetts [Mr. KENNEDY] today in his introduction of a bill to revise the Selective Service System. I was a cosponsor with him of similar legislation last session. I regret that it was not accomplished in a more effective way.

The recommendations of the Commission headed by Burke Marshall deserve the utmost support, in my opinion, in their major provisions. And this bill would accomplish, in my judgment, what has long been needed to be done in the interest of equity and fairness as among all individuals in this country who may be liable for service, and in the interest of the efficiency of the system itself by providing adequately for the manpower needs of our Defense Establishment.

Oddly, by coincidence, a week ago I prepared for my newsletter, to be released today, a comment upon the Selective Service System and the needed changes, including the inadequacy of the recent directive of the President, although he intended, I think, to move in the right direction.

I ask unanimous consent to have printed at this point in the RECORD the news release to which I refer.

There being no objection, the newsletter ordered to be printed in the RECORD, as follows:

SENATOR CLIFFORD P. CASE REPORTS TO YOU, FEBRUARY 28, 1968

The Administration has attempted to deal with what a Presidential Commission has called one of the basic inequities in the selective service system by ending draft deferments for graduate students.

Last year the National Advisory Commission on Selective Service, chaired by former Assistant Attorney General Burke Marshall, agreed that student deferments tend to become de facto exemptions. The Commission pointed out that while 70% of college graduates and 74% of high school graduates served in the armed forces during the same period only 27% of those completing graduate school served.

Because defending our country is an obligation to be shared equally by all citizens, our draft system should not be permitted to discriminate against any one group in favor of any other.

It is unfortunate, however, that the President's decision to end most graduate student deferments tackles only part of the problem. It may, in fact, result in a kind of reverse discrimination against the students who are now subject to reclassification. In addition, it is likely to have a substantial impact on the nation's graduate schools and, consequently, disrupt the orderly flow of trained personnel into teaching and other professions.

Nearly every recent study of the selective service system has recommended, in addition to changes in deferment policy, that the order of call be reversed from oldest to youngest, with provisions to insure that no group is treated unfairly during the transition phase.

President Johnson, in his message to the Congress on the draft a year ago, announced his intention to issue an Executive Order to do this and Congress generally agreed that such a change would shorten greatly the period of uncertainty for draft registrants.

That order was never issued and General Hershey stated recently that the President has decided to continue the present policy of calling the oldest first. Retention of this policy may very well mean that some draft boards will have so many college graduates on the rolls this summer that the entire draft burden may fall on them.

Reversing the order of call would not of itself, on the other hand, solve the problem. The question remains one of how to select in the most equitable manner those who are to serve, since our armed forces are likely to need only one-third to one-half of the nearly 2 million men reaching draft age each year. As the Marshall Commission put it, "Who serves when not all serve?"

One widely-discussed proposal, and the principal recommendation of the Commission, would select draftees through a system of impartial random selection from among those equally vulnerable. Such a system, it is argued, would draw equitably from all regions of the country and from all economic levels. Coupled with a system of calling younger men first, it would give young men their maximum exposure to the draft at an early age and permit them to plan their lives subsequently without constant worry over the possibility of being drafted.

While Congress did not approve the random selection principle last year, largely because there was no specific plan from the Administration, neither did it reject the concept. Indeed, both Houses have indicated a willingness to consider a random selection proposal, should the President submit one to the Congress.

In the meantime, there is the responsibility of seeing that the new selective service directive does not result in a reverse discrimination. To this end, I urge the President to use the authority granted to him by the Congress to provide for an interim method of draft selection that meets the needs of the armed services without unfairness to any group and with the least possible disruption to our educational system.

Mr. MONDALE. Mr. President, I am pleased to join the distinguished senior Senator from Massachusetts [Mr. KENNEDY] in his proposal to establish a sane Selective Service System.

Last June I joined the Senator from Massachusetts in opposing Senate acceptance of the conference report extending the draft law, because that report prohibited the President from establishing reasonable procedures. We lost. Now we are reaping the results of the restrictions Congress placed on the President's discretion last summer.

We said last summer that there was a better way. That is still true, and Senator KENNEDY's bill incorporates that better way.

There are five major reasons for my support of the Kennedy bill.

First of all, it provides a fair way of selecting draftees when something less than total mobilization is required. It establishes random selection from the whole population of young people, without regard for economic or social accident.

Second, it eliminates the uncertainty among young people that is inherent in the present draft system. At age 19, a young man will know once and for all whether he is going to be called for selective service. He can plan accordingly, where he now faces years of uncertainty.

Third, a young man can attend college if he wishes, not avoiding his chance of being drafted but simply postponing it. He will know that sometime he must enter the pool of young men from whom draftees are to be selected. He can make a choice about when to do it, not about whether to do it. And the bill provides

for discontinuance of student postponements when the casualty figures reach such levels that young men might seek to attend college to avoid a temporary danger.

Fourth, a young man would know that he is being treated equally with any other young man in America, through the establishment of uniform national selection standards. No longer could accidents of geography provide him with special privilege or special jeopardy. And uniform national standards would also clarify the hardship and occupational deferment situations which now are left to the whim of local selective service boards.

Fifth, the Kennedy proposal would encourage the study and possible expansion of Project 100,000 into a program of Military Youth Opportunity Schools. I like the possibilities that Senator KENNEDY has outlined here, especially the possibility that there would be a substantial proportion of volunteers with accompanying high motivation and opportunity to overcome the accidental deficits of their social and geographical environment.

The Kennedy proposal contains a number of other provisions which enhance its value to the Nation—study of the possibilities of a volunteer army and national service alternative, prohibition of the draft as a punishment device, and reorganization of the Selective Service System along the lines proposed by the Marshall Commission, to name a few. Mr. President, I commend the senior Senator from Massachusetts on the forthright approach he has made in this legislation to the serious inequities, injustices, and inconsistencies in the present Selective Service law.

Mr. President, we have just witnessed the establishment of a discouraging new policy on graduate student deferments. No one can deny that our previous policies were patently unfair to the less privileged or that there was occasional abuse of the student deferment provisions. But it is also impossible to deny that these regulations will damage higher education at a time when it most needs help, that they create immediate staffing and programing difficulties which will be expensive and almost impossible for some institutions to overcome, and that we may pay a heavy price in academic and professional quality for our failure to act sensibly on last summer's draft extension.

If we had done what we should have last summer, none of this damage would have had to occur. We would still need a revision of our draft laws in any case, but now it is imperative that we wait no longer to establish a sane Selective Service System.

Mr. President, I am happy to cosponsor the Kennedy bill.

Mr. KENNEDY of Massachusetts. I thank the distinguished Senator from Minnesota for his remarks. It is always a pleasure to be associated with him in our efforts to revise our draft law.

FEDERALLY AFFECTED SCHOOL DISTRICTS

Mr. SPONG. Mr. President, yesterday I became a cosponsor of amendment 530 to H.R. 15399, providing supplemental appropriations for fiscal year 1968. I have also written to the chairman of the Appropriations Committee and to the chairman of the Subcommittee on Deficiencies and Supplementals urging favorable consideration of the amendment.

Amendment 530 was submitted by the distinguished Senator from Arkansas [Mr. FULBRIGHT]. It would increase by $91 million the fiscal 1968 appropriations for operation and maintenance of schools in areas with large numbers of schoolchildren whose parents live and/or work on Federal property.

Because of the large number of Federal employees in the State of Virginia, my State has always received a substantial amount of aid under this program. In fact, only one other State—California—is entitled to more impacted areas aid than Virginia. Unless action is taken, Virginia will receive $24.4 million, rather than the $29.8 million expected, for the 1967–68 school year.

This is an extremely bad situation on several counts.

First of all, the eligible school districts have always received close to 100-percent entitlement and they have come to anticipate such funds. They have not faced an allotment covering as small a percentage of entitlement as the one projected for this year since the program was initiated in 1951.

Second. Most school districts are currently operating on budgets which were drawn up to include 100-percent entitlement or an amount close to it. Unless new funds are provided, programs currently in operation will have to be curtailed in many areas.

Third. School districts face the likelihood of not receiving as large a percent of the entitlement as soon as usual. After an initial count of federally connected children is made, school districts have usually received 75 percent of their estimated entitlement, with the 25-percent entitlement, adjusted to cover errors in estimates, paid at the end of the school year.

This year, however, school districts will receive only 50 percent of their estimated entitlement according to the initial count and the adjusted 50 percent of the entitlement later.

Thus, school districts not only will receive less funds but also will receive them later.

Last year, in the regular Labor-Health, Education, and Welfare appropriations bill for fiscal 1968, Congress appropriated $416.2 million for impacted areas aid, an amount which would not have covered full entitlement. Due to later legislation, the $416.2 million was reduced by 5 percent. The problem was then further compounded when more districts then expected became eligible for the aid under liberalized requirements. Now, an estimated $486 million is needed to provide 100-percent entitlement in fiscal 1968.

While I supported selected cuts in fiscal 1968 spending, I was dubious about the advisability of across-the-board reductions, such as the one which led to the decrease in available impacted areas funds. As I have said before, I believe the key to reductions in Federal spending is the establishment of rational priorities. In any case, education is undoubtedly among the highest of our priorities.

The State of Virginia has been offsetting this Federal aid money so that State aid is reduced in impacted areas by one-half the amount of the Federal aid which that district receives. The money thus saved has been used by the State to aid other school districts not eligible for impacted areas funds. The State is under a court order to desist from this offset practice, but the court order will not become effective until the end of this school year. Thus, in fiscal 1968 the result of the possible loss of $5 million in impacted areas funds would be felt both by districts which receive impact funds and by the State government which has used money gained from the offset practice throughout the State.

To comply with the court decision on impact aid and continue to pursue quality education in all parts of the State, Virginia must find additional revenue for school years beginning in 1968–69. A prospective reduction in Federal funds, for this current school year, therefore, merely presents a new, more immediate, and another unexpected financial problem for the State.

Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LAUSCHE. I ask unanimous consent that the Senator from Virginia may have 1 additional minute.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator from Virginia is recognized for 1 additional minute.

Mr. LAUSCHE. Will the Senator identify the region of Virginia that he is getting the highest amount of aid under the impacted area provisions, produced by the enrollment of children of temporary visitors?

Mr. SPONG. I would say to the Senator from Ohio that there are several districts that share almost equally. They are in northern Virginia, here in the Washington metropolitan area, and in the Hampton Roads area of Virginia, where the largest naval concentration in this country is located—the cities of Norfolk, Portsmouth, Virginia Beach, and Chesapeake.

Mr. LAUSCHE. Is Montgomery County in it?

Mr. SPONG. No. They do share, by reason of the Federal arsenal that is located at Radford, but they do not share to the extent of the areas I mentioned earlier.

Mr. LAUSCHE. I thank the Senator.

CORRUPTION IN SOUTH VIETNAM, II—MUST OUR BOYS DIE TO DEFEND IT?

Mr. GRUENING. Mr. President, over the past several years, I have called attention repeatedly to the graft and corruption which exists in Vietnam and which feeds on our swollen economic assistance program to that country. As chairman of the Subcommittee on Foreign Aid Expenditures, I have undertaken a continuing inquiry into this matter and have reported my findings to the Senate from time to time. Today I

want to report on a gold and opium smuggling operation in South Vietnam which involved the highest South Vietnamese Government officials.

Information on this matter was furnished to me by a U.S. Government agency which has a substantial number of officials assigned to Vietnam as an advisory team to the Government of Vietnam. On October 5, 1967, the head of the team reported to his superiors in Washington that—

The most spectacular case during the month was the seizure of 114 kilos of gold which was intercepted at Tan Son Nhut on September 1, 1967. It was brought into Vietnam aboard a Royal Air Lao civilian aircraft. As of this writing, the outcome of this case is still shrouded in doubt. There are unfortunate political overtones and implications of culpability on the part of highly placed personages.

By December 1967, the advisory team had developed more information and was able to report that the smuggling operation involved 200 kilos of opium in the one instance detected, that the operation was directed by the Director General of Customs, Mr. Nguyen, Van Loc, and that it appeared that Director Loc has acted in the interest of certain high Government of Vietnam officials.

At this time the investigation of the advisory team had proceeded to the point where the team chief was able to give the following overall evaluation:

During the last several months it has become obvious that Director Loc has at the very least (1) condoned important contraband smuggling operations, and (2) was promoting the day-to-day system of payoffs in certain areas of Customs activities. In the instances of contraband it has been difficult to classify Loc's participation as being either personally involved for profit, facilitating smuggling on demand by those to whom he is indebted, or merely the acts of a negligent administrator. In the second instance, that is fostering a system of tolls and payoffs as a standard system, it was apparent that Loc had structured this system by placing "trusted" personnel in key positions. In this area we were satisfied that Director Loc was more than merely derelict in his duty.

While the foregoing instance is perhaps the most dramatic evidence of the extent of graft and corruption in Vietnam, the advisory team have reported case after case of venality, the extent of their disclosures being limited apparently only by their numbers. The teams report for the month of June 1967, for example, which it described as a typical month for the number of cases reported included the following:

First. A raid on the American Civilian Club in Saigon. The club was illegally operating without a license and dealing in nontaxed liquor and carrying on illicit currency operations;

Second. The importation of gambling equipment for use in U.S. military installations without the payment of Customs duties——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRUENING. I ask unanimous consent to proceed for 10 additional minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRUENING. Third, a raid which resulted in the seizure of approximately $10,000 worth of black-market U.S. post exchange goods. Three Vietnamese defendants were arrested and three U.S. military personnel are under investigation;

Fourth, the seizure of eight trucks owned by the American firm, Equipment, Inc. The trucks were seized for black-market activities which resulted in the sale of the black-market cargo carried by the trucks and the illegal sale of the trucks themselves on the local market; and

Fifth, a raid on the residence of Earnest J. Murray, operator of the PX jewelry concession Caribe which produced evidence that much of the jewelry sold and certified to be of U.S. origin, by this firm, is actually of Japanese origin. Such merchandise was found at his residence, although procedurally the U.S. military is the importer and custodian of the goods. This brought about an exploration of the entire import operations of the PX system and it was found that in many cases the PX did not require an exact accounting from its concessionaires, and in most cases permitted such concessionaires to store such duty-free merchandise at places of their own choosing.

The significance of these cases was succinctly stated in a report of the team chief when he said:

Every dollar of revenue the Government of Vietnam Customs produces is a dollar that the United States doesn't have to put into this country. Add to this the fact that GVn Customs conceivably could produce revenues equalling the entire AID program (less commercial import program and grants).

I could go on and on about the detected instances of graft and corruption and diversion of U.S.-financed commodities. In October 1967, 1 ton RDX—a high explosive shipped by AID to Vietnam—was seized at the outpost of Vinh Xuong on the Cambodian border. The team chief reported that after seizing it, the difficulty developed that no agency wanted to take it and exploit its seizure in the context of its obvious usability as an ingredient for Vietcong explosives.

I would also like to call attention to an article by a respected newspaperwoman, Helen Delich Bentley, which appeared in the February 2, 1968, issue of the Baltimore Sun, entitled "U.S.-Financed Rice Cargoes Threaten Vietnam Scandal" and to an article in the San Antonio Light on December 15, 1967, by Leslie H. Whitten, entitled "United States Used Red China Ships for Viet Rice."

One of the matters discussed by Miss Bentley involves an AID purchase of rice in Bangkok for shipment to South Vietnam. My inquiry into this procurement disclosed that the purchase was made by top South Vietnamese Government officials with AID financing at prices far in excess of market prices. In return for handing out such largesse, the Vietnamese officials received about $92,000 in kickbacks from the Thai firm. Furthermore, my investigation disclosed that the firm chosen to ship the rice from Bangkok to Saigon was a Chinese Communist firm and designated as such by the U.S. Treasury Department in 1960. All in all over $500,000 was improperly spent for this purchase and not a penny has been collected to date from the South Vietnamese Government even though agreements provide for refund of improper transactions.

Miss Bentley also reports that the tremendous quantity of rice delivered under our aid program has been far in excess of the country's needs and that:

Diversion of boatloads—sampans, junks, barges—of rice remains one of the most serious problems connected with this vital foodstuff. Some persons believe that if the supplies on hand weren't so abundant, the Vietnamese would not be as prone to make them available to the Viet Cong, even under pressure.

For how long must our boys continue to die to defend these crooks in high office in Vietnam.

I am continuing the investigation of further instances of graft and corruption in Vietnam and will make a further report to the Senate in the very near future.

I ask unanimous permission to have printed in the RECORD at the end of my remarks, Miss Bentley's article in the February 2, 1968, Baltimore Sun, entitled "U.S.-Financed Rice Cargoes Threaten Vietnam Scandal" and the article by Mr. Whitten from the San Antonio Light on December 15, 1967, entitled "United States Used Red China Ships for Viet Rice."

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CRACKS IN THE PIPELINE, IV—U.S.-FINANCED RICE CARGOES THREATEN VIETNAM SCANDAL

(By Helen Delich Bentley)

WASHINGTON, February 2.—Rice, the staff of life of the Vietnamese as it is in all Oriental lands, is expected to become the subject of one of the biggest scandals South Vietnam has ever encountered.

Right now it's being poured into the country from what seems to be every possible source under various forms of financing or giveaway programs, all stemming back to the United States.

And the volume is such, coupled with the usual lack of safeguards and surveillance which has become a large part of the billion-dollar expenditure picture in South Vietnam, that thousands of tons of rice "just get lost."

RED CHINESE GAIN

Numerous stories about the rotting of thousands of tons tucked away in warehouses located on the canal bends in the heart of Cholon, the Chinese district; about the diversions of thousands of more to the enemy; and about the gains made by the Red Chinese both from the sale and the transportation are among the stories circulating constantly back and forth between Vietnam and Washington.

As so often is the case in the Orient, where there are so many rumors, there usually is a basis for them.

GREAT DISPARITIES

Great disparities in the amounts of rice available or being diverted are always found in the figures produced by the military and the Agency for International Development. As Senator Kennedy (D., Mass.) said following his most recent trip to that war zone:

"Large supplies of rice are reported to have been found in certain areas. Upon confrontation, the South Vietnamese claim the rice was placed there by the Viet Cong. The fact that the VC's had not been in the area for months and that the rice obviously came from the United States didn't matter."

Diversion of boatloads—sampans, junks, barges—of rice remains one of the most seri-

ous problems connected with this vital foodstuff. Some persons believe that if the supplies on hand weren't so abundant, the Vietnamese would not be as prone to make them available to the Viet Cong, even under pressure.

AID officials in Saigon are said to be upset over the vast rice supplies—eight months at least—on hand because in the hot Southeast Asia climate, rice lasts only three months before rotting.

The port of Da Nang is said to have the capability of handling only 20,000 tons of rice monthly, yet AID has been booking and endeavoring to send 50,000 tons to that northernmost city every month.

One of the most embarrasing rice affairs which has been brought to light thus far centers around AID's payment in 1965–1966 to a Chinese Communist firm of more than $544,000 for handling the shipments of rice from Thailand to South Vietnam.

The firm involved is Ngow Hock Company, listed as a "designated national" on the United States Treasury Department's list since 1960. That designation means it is Communist-affiliated with China, North Korea, North Vietnam, or Cuba. Ngow Hock also is tied to the Lokee Shipping and Trading Company and the Chin Seng Rice Mills.

SOME $92,000 IN KICKBACKS

High South Vietnamese Government officials—who are said to have collected some $92,000 in kickbacks—arranged with Ngow Hock to transport 8,000 tons and Lokee, an additional 15,300 tons from Thailand to South Vietnam.

Although these shipments amounted to only 23,300 tons out of 125,000 tons purchased from Thailand, the payments to the Chinese Communist-controlled firms amounted to $544,000. The remaining 100,000 tons is still under investigation.

The South Vietnamese literally had control of American funds for this transaction. And after they had recommended the Ngow Hock deal, top American AID officials in Saigon approved it.

[From the San Antonio Light, Dec. 15, 1967]

UNITED STATES USED RED CHINA SHIPS FOR VIET RICE—FOOLED AID

(By Leslie H. Whitten)

WASHINGTON.—The U.S. Agency for International Development (AID) was hoodwinked into sending 23,300 long tons of rice to South Vietnam through Communist Chinese shippers.

An AID investigative report, turned up by Sen. Ernest Gruening's, D-Alaska, foreign aid expenditures subcommittee, revealed the ruse, which involved rice grown in Thailand and bought by AID.

The two Communist Chinese firms—and a former South Vietnam government official who set up the deal—took AID for $544,075 in U.S. funds. AID said last night it was checking to see whether some of the funds might have been blocked in time.

Meanwhile, AID said it has twice asked the Vietnamese government for refund of the $544,075 which includes the ocean freight plus the "kickback" to the former Saigon official and possibly co-conspirators.

The AID contracts were made in 1965, and the shippers were selected by the former Vietnam official. Although the Ngow Hock Company had been listed by the U.S. Foreign Assets Control Board since 1960 as a "designated national"—controlled by Chinese Communists—it was picked to ship 8,000 tons of the rice from Thailand to South Vietnam.

The second firm, Lokee Shipping and Trading Co., was not then an "ineligible shipper" but it was "brought into being to circumvent" the foreign assets control rules, AID investigators said. Major shareholders of Ngow Hock were also shareholders of Lokee.

AID, all unaware, picked up the tab. The rice was delivered by the Chinese Communists, although some of it was spoiled when it got to Vietnam, apparently due in part to off-loading delays.

To make matters worse for the U.S., although the transportation rates for ocean freight were about $13 a ton for shipment of rice, the Chinese Communists and the South Vietnamese official plus other conspirators amended or altered financial papers so that AID was charged $24.50 a ton, the AID investigation report said.

Ngow Hock, the Communist shipper, got its $104,000 for transport of the rice while the rest of that pie—$92,000—went to the South Vietnamese official and his collaborators, AID probers reported. Similar figures were not available for the Lokee deal.

At the Treasury Department yesterday, a spokesman for the foreign assets control office said it believes that at least $196,000—apparently the Ngow Hock and some bribery money—has been held up at its request in a New York bank. Another $9,000 definitely was paid, he said. An AID spokesman, however, said here last night:

"We don't know if we paid and if we did we don't know if we got a refund from South Vietnam." AID wired Saigon to find out.

Whatever the case, the South Vietnam official quit the government early in 1966. AID said "there is no indication that Thai officials were the recipients of any illegal payments in this matter."

In explaining the grim comedy whereby the U.S. wound up hiring the Communist Chinese—North Vietnam's closest allies—to carry rice to wartorn South Vietnam, an AID spokesman said:

"We were pumping millions into South Vietnam in 1965 and we had to get the rice there." In the struggle to find ships to carry rice into South Vietnam and thus to stem inflation of food prices, American money found its way into Communist Chinese pockets.

THE AMERICAN BAR HAS ERRED

Mr. McCLELLAN. Mr. President, a topic of extreme importance is the resolution passed by the House of Delegates of the American Bar Association calling for the restriction of information about pending criminal cases.

I believe such a restriction amounts to a serious and unwarranted erosion of a vital freedom and would only invite future restrictions that could shackle the press severely and deny to the public the free flow of information to which it is entitled. A defendant's right to a fair trial need not overlap another basic freedom—freedom of the press. Both these two rights are basic and very rarely come into conflict. That is because the news media have generally been alert to its responsibilities and have many times demonstrated an interest in protecting a defendant's rights—especially in cases of sensational crimes.

All rights are largely dependent upon free dissemination of news. We cannot have a free country if citizens are not free to find out and if they are not free to know.

An editorial published in the Houston Chronicle says of the resolutions:

The ABA's action was neither necessary nor prudent. It was ill-timed. And it represents a dangerous tampering with this nation's court and police procedures and with the constitutional guarantees of press freedom.

The vital message in this editorial was given additional circulation by being published in the Arkansas Democrat on February 24, 1968. Continuing, it said:

What the new code ignores is that both the press and the public have a role to play in preserving justice in criminal trials. Justice will not be encouraged by an attempt to keep the people uninformed.

The bar's restrictions would be imposed by adoption in the various courts and police jurisdictions, thus circumventing the need for legislation. This would be a completely unsatisfactory way of disposing of a matter that vitally affects the right of the people to know. And, notwithstanding the sponsor of this proposal, I think there are grave doubts about its constitutionality.

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE AMERICAN BAR HAS ERRED

A primary domestic concern of the American people right now is the rise in the crime rate. The people want to know how their police departments are functioning. They want to know how effectively criminals are being investigated and prosecuted. And they want to know how the courts are dealing with accused persons brought up for trial. Never in our history, we suspect, have the people had such a thirst for information about the prosecution of crime.

Yet it is at this inopportune moment that the American Bar Association has approved a strict new code of ethics designed to shut off the flow of information about criminal cases. The code stipulates that lawyers, judges and policemen must limit the information they release about any criminal case simply to the defendant's name, age, residence, occupation and family status. They are forbidden to talk before the trial about the criminal record of a person accused of a crime, or of any confessions or of the results of such things as a fingerprint test, or of the identity of witnesses, or of any pleas of guilt or innocence or of any opinions about guilt or innocence. All such information must be withheld from the public.

The code also permits judges to clear courtrooms of spectators and newsmen for pretrial hearings and for trial motions to suppress evidence heard outside the jury's presence. In effect, this will permit portions of criminal procedure to be decided in secret—out of sight and hearing of either the press or the public. This, The Chronicle believes, can be extremely dangerous. Representatives of the press have always constituted a monitor of criminal trials. Their presence is a guarantee that the public's interest will be respected and that the defendants will be subjected to no intimidation or unfair treatment.

The ABA House of Delegates had been urged by press and television representatives to delay a decision on this code until some of its obvious weaknesses could be resolved. In refusing to do so, the ABA has embarked on a course which will surely lead to legal and constitutional challenges for years to come.

The ABA's action was neither necessary nor prudent. It was ill-timed. And it represents a dangerous tampering with this nation's court and police procedures and with the constitutional guarantees of press freedom.

What the new code ignores is that both the press and the public have a role to play

in preserving justice in criminal trials. Justice will not be encouraged by an attempt to keep the people uninformed.

The ABA's intentions are good in this issue. The bar association wants to insure that persons accused of crime will receive a fair trial and that juries will not be prejudiced in advance by information they read in the newspaper or hear on radio or television.

It is not necessary, however, to keep the American people in the dark in order to insure fair trials. An ill-informed juryman is not necessarily a good or fair juryman.

The news media have many times demonstrated their interest in devising voluntary guidelines for protecting a defendant's rights in those isolated cases of sensational crimes.

The American people can be assured that the news media will not acquiesce to this arbitrary code. It is not in the public interest or a defendant's interest for police investigations or portions of trial procedure to be conducted in secret. (Houston Chronicle.)

THE PRESIDENT'S PLEDGE TO SUPPORT A REDUCTION IN EXPENDITURES AND AN INCREASE IN TAXES

Mr. WILLIAMS of Delaware. Mr. President, the Johnson administration is trying to back down both on the President's pledged support of a reduction in expenditures and on its request to Congress for consideration of increased taxes.

Based on its most recent decisions it is apparent that the President's recent expressions of concern over the size of our pending deficits were nothing more than window dressing for the 1968 political campaign.

On January 31, 1968, I outlined in the Senate a program which in my opinion represented the minimum steps this Congress should take toward bringing our budget under control. At that time I introduced two bills, S. 2902 and S. 2903, the purpose of which was to achieve a minimum reduction in our expenditures of $8 billion and at the same time provide $6½ billion in additional revenue through the extension of the excise taxes and the initiation of increased income taxes—6 percent for individuals and 8 percent for corporations. Another section of the bill dealt with our balance-of-payments problem. The $6.5 billion would be in addition to the $2.7 billion that would be raised as a result of the extension of the excise taxes.

I made no claim that these bills represented the perfect or perhaps only solution to our problem, but at least they did represent a suggested start.

The following day I forwarded copies of these bills to the Secretary of the Treasury and asked for his comments. I received a routine acknowledgment a few days later that the Department's comments would be promptly forthcoming.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD my letter of February 1, 1968, to Secretary Fowler, and the Department's reply thereto under date of February 6, 1968.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

FEBRUARY 1, 1968.

Hon. HENRY H. FOWLER,
Secretary of the Treasury,
Washington, D.C.

MY DEAR MR. SECRETARY: Enclosed are copies of S. 2902 and S. 2903, as introduced yesterday, along with a section by section analysis of each as prepared by the committee staff.

It is my intention to offer the provisions contained therein as amendments to the bill which will be coming over from the House extending those excise taxes which otherwise would expire April 1.

I would appreciate the comments of your Department on each bill as to what extent you could support their enactment.

Yours sincerely,

JOHN J. WILLIAMS.

OFFICE OF THE
SECRETARY OF THE TREASURY,
Washington, D.C., February 6, 1968.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: The Secretary has asked me to advise you that your letter of February 1 which we received February 5, regarding S. 2902 and S. 2903, is receiving attention. You will have a further reply as promptly as possible.

Sincerely yours,

JOSEPH M. BOWMAN,
Assistant to the Secretary.

Mr. WILLIAMS of Delaware. Mr. President, for 4 weeks I have waited for an answer as to the Treasury's position on this proposed reduction in expenditures and increased taxes. First I was promised an answer, and then after a series of appeals for an answer, on Monday of this week I was finally advised that my letter would not be answered since the Treasury Department did not want to take a position on the various questions being raised by the introduction of these two bills.

Following this backdown by the Treasury Department in taking a position either on expenditures reduction or on tax increases I suggested to the Senate Finance Committee yesterday that when the Secretary was testifying on H.R. 15414—the bill which would extend excise taxes on automobiles and telephones—he be notified that hearings would also be held on S. 2902 and S. 2903. This would mean that the Secretary would be on notice that the Finance Committee expected him to take a position on these bills.

Much to my surprise I found that the administration was determined that there not be a showdown on either expenditure reductions or tax increases at this time. Apparently word was passed down that under no circumstances should the Finance Committee put the administration on the spot; by a vote of 10 to 6 the Finance Committee rejected my suggestions that hearings be held on these two bills simultaneous with hearings on the excise taxes.

While I regret the decision of the majority members of the committee on this most important question, nevertheless I must congratulate the President on the discipline that he can maintain over the members of his party when the chips are down.

President Johnson in January 1967, over 1 year ago, requested that Congress give consideration to enacting a 6-percent increase in income taxes for both individuals and corporations. Four weeks later, in February 1967, under the yo-yo tax policies of the Johnson administration Secretary Fowler was before the Congress, and instead of supporting a tax increase, was asking for a tax reduction of $2 billion. This tax reduction was requested by the administration in the face of a $20 billion deficit at that time. In August 1967 the President in a great display of urgency sent Secretary Fowler before the Congress with a request for a 10-percent increase in taxes. That request was renewed in the President's message to the Congress in January 1968.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. Significantly, during this 15-month period there has not been a single bill introduced in either the House or the Senate by any Member of the President's own party which would carry out his request for tax increases. The only bills that have ever been introduced in either the House or the Senate which faced the problem of both expenditure reductions and tax increases are the two bills which I introduced on January 1, 1968. It is now apparent that the administration has passed down the urgent message to the members of its own party to not let the Johnson administration become embarrassed by a showdown whereby it will either have to "put up or shut up" on the question of tax reductions and tax increases. Can it be possible that all the administration is interested in is an issue—not results?

Once again the Johnson administration is following a policy of "too little, too late."

As a result of this reluctance to face hard decisions, the administration has allowed the situation in Vietnam to drift until today we are faced with a near catastrophe.

Its failure to face the hard political realities on the homefront by insisting that we can afford both guns and butter in the face of a full-scale war has allowed our financial situation to drift to the point where now the stability of the American dollar is being challenged.

I regret that the Johnson administration has not displayed the intestinal fortitude necessary to meet these challenges, and I am of the firm opinion that the only solution is for Congress to exercise its own authority.

At a time when our Government expects to close the present fiscal year with a $20-billion deficit and at a time when we are confronted with a $28-billion deficit for 1969 it is the height of fiscal irresponsibility for the Treasury Department to keep dodging this question.

For the past 15 months, since the President first recommended a 6-percent surcharge, questions have been raised as to whether or not the administration was really sincere in asking for a tax in-

crease or whether this talk was so much political propaganda.

Those doubts were well founded, and I can only conclude that as of this late date the Johnson administration still is not certain as to what its position will be. The Johnson administration just will not face up to difficult decisions.

The motto of the Johnson administration for the past 4 years has been "too little and too late" both as to the manner in which it has pursued the war in Vietnam and as to the manner in which it has attacked the deficits on the homefront.

Lest there be any misunderstanding, the two bills I introduced on January 31, the purpose of which is to force an expenditure reduction and to increase taxes, will be offered as amendments to H.R. 15414—the excise tax bill. This excise tax bill will be before Congress in March of this year, and it must be acted on before April 1. These two bills which I introduced on January 31 definitely will be offered as a part of that bill.

There will be rollcall votes on these two proposals, both in the Finance Committee and in the Senate. Likewise, Secretary Fowler—regardless of how reluctant he may be—when testifying before the committee will be expected to take a firm position either for or against these two proposals—expenditure reductions and tax increases.

There has been too much dilly-dallying already, and it is time for a showdown in order that the American people will have an answer as to what steps Congress is going to take.

Mr. President, it is time that both Congress and the administration put up or shut up.

COMMUNIST BOLDNESS IN THE FAR EAST

Mr. EASTLAND. Mr. President, on Tuesday I introduced a resolution in the Senate relative to the sale of defensive armaments to our ally, the Republic of South Africa. This resolution deserves immediate attention.

The criminal seizure of the U.S.S. *Pueblo* by North Korea is dramatic evidence of a mounting Communist boldness in the Far East.

This dangerous boldness can be related to the withdrawal of British forces in the Far East and to the growing number of Communist governments being established, like a deadly encirclement, from Algeria in the west to North Korea and China in the east.

Today our forces are locked in a deadly struggle against North Vietnamese troops and the Vietcong in South Vietnam, while in Korea we face a warlike menace across the bullet-riddled cease-fire line.

Mr. President, to say the least, the role of the United States in the Far East has become increasingly demanding and there is no end in sight as the Communists seek to ever expand their dominions. If there is any doubt regarding Communist ambitions, we have only to read the statements made by their leaders.

On November 30, 1967, the Premier of North Korea, Kim Il Sung, said:

> Without driving the U.S. Imperialist aggressor forces from South Korea and overthrowing their colonial rule, the South Korean people cannot free themselves.

The tone of the North Korean Premier became more threatening on December 28, 1967, when he said:

> It is necessary to form the broadest possible anti-U.S. united front to isolate U.S. imperialism thoroughly and to administer blows to it by united strength everywhere.

Certainly, in the light of events, we cannot consider Premier Sung's words as mere idle boast. There is no question that the seizure of the U.S.S. *Pueblo* was a successful attempt not only to strike a blow at the United States, but also to aid the Vietcong. We should be well aware that while a major battle seems to be shaping up in South Vietnam between American marines and the Communists, a needed American carrier task force is being tied down effectively off the coast of North Korea.

On several separate occasions in the days before the U.S.S. *Pueblo* was attacked by the North Koreans, Premier Sung gave warnings of his intentions toward U.S. ships engaged in intelligence work.

On December 30, 1967, he said:

> The U.S. Imperialist aggressor troops engrossed in unleashing another war carrier on acts of provocation by sending fishing boats and spy ships into the coastal waters.

Mr. President, it is urgent that we reexamine our position in the struggle against Communist aggression. We must reassess our allies and what they can contribute to help in this life and death struggle to preserve freedom.

Socialism in Britain has so destroyed the British economy that our longtime ally can hardly provide for her own self protection, much less contribute to the fight against communism in the rest of the world.

The French are openly hostile to the United States, and General de Gaulle has made it clear that an American defeat in Southeast Asia would not cause him great pain.

In Africa, Russia has successfully obtained not only naval bases on the Mediterranean, closed the Suez Canal, and placed Middle East oil in doubt, but in addition now can count on virtually all of North Africa as a Communist camp.

This domination is increasing rapidly. The Evening Star of January 29, 1968, carried a small front page story announcing that Russia had agreed to supply jet fighter planes to Sudan. This step brings another large portion of Africa closer to a Soviet orbit.

Mr. President, Japan is a stanch supporter of many American policies and can be considered an ally, but Japanese law forbids the sending of Japanese forces beyond the home islands and because of this we cannot expect tangible military support from Japan.

Australia, New Zealand, and the Philippines remain stout U.S. allies and have come to our assistance in South Vietnam, but this brings us nearly to the end of our allies in that part of the world with one exception.

There is one strong and stable pro-western nation which has been our ally in three wars and which occupies a very strategic position on the sea routes of the world.

The Republic of South Africa, commanding the cape route like a friendly lighthouse and representing a major influence throughout the Indian Ocean must not be forgotten.

Mr. President, I would like to bring to the attention of the Senate a study recently made by Gen. S. L. A. Marshall on the strategic value of the Republic of South Africa. General Marshall, one of America's outstanding experts on military affairs wrote:

> We need all the friends we can get. They are hard enough to come by. But we also need friendly harbors, ports with modern facilities and the skills to man them. For these there are no substitutes in military operations, for the axiom remains true as ever that sea power may extend its authority just so far as there are bases where it can be fueled and serviced.
>
> When a line is drawn through the top of Africa across the Arabian peninsula to the corner where Iran meets West Pakistan and with this base, with one point at Karachi and the other at the Canaries, an isoceles triangle is projected evenly toward the Cape, much open ocean is enclosed as well as a twelfth or thereabouts of the earth's surface. With Aden out, now that the British are yielding it to the Arabs, the only modern and friendly ports are in South Africa. At Simonstown, 30 miles from Cape Town, is the only great naval base and graving yard in that quarter of the globe. The United States must not discount the connection between such a facility and the conserving of its world wide strategic interests. In the event of major war in the Middle East—a struggle over Iraq, for example—in which our forces became engaged, we would have to lean on that prop. We have done so before.
>
> The Royal Navy, which takes the practical professional view of such matters, arranged in 1955 for the naval installations at Simonstown to be available to its ships when the necessity arises. The radio station at Youngsfield is jointly operated by the Royal Navy and the South African Navy. Annually joint naval exercises are held in the South Atlantic with the ships of Britain, the U.S., other NATO nations and South Africa participating. The only steady watch on Soviet naval excursions into these waters—and there are many submarine sightings—is conducted by South Africa's ships.
>
> Our strategic interest in that corner of the globe continues to expand rapidly. The Navy would like to operate regularly in the Indian Ocean, if it had stretch enough. The uncertainties about Red China, the volatile condition of Indonesia, the Arab takeover in Aden next to the turmoil in Yemen with the increasing likelihood that the Soviets will exploit it and possibly find a base there, along with the heavy involvement of our power in the Indochina war, all militate toward making such an extension of our sea power presence desirable. The Navy's main problem today is the management of resources. Since the Tonkin Bay incident, 61 Atlantic Fleet ships and about 70,000 men have been rotated to Vietnam waters for six-to-eight month tours. Some of this movement has been via the Cape, and the South Africans, though called on for friendly assistance, have also been too frequently rebuffed.
>
> Possibly with some exaggeration, the writer, E. S. Virpsha, in an article written for the NATO audience, summed up this way: "From an overall view the strategic position of South Africa is next in importance to that of Western Europe and North America combined. Not only does it stand as a bulwark

against the conquest of the whole of Africa but it occupies the most important central position in the Southern Hemisphere at the junction of the Indian and South Atlantic Oceans."

But if these are legitimate strategic considerations, the official attitude toward South Africa remains one of veiled hostility, active contempt and indifference toward every security value that may be jeopardized thereby. Elsewhere, the Navy seeks by the appearance of its power and people to deter aggression and defeat the causes of international misunderstanding; that cannot be said of its visits to the Cape. The present disposition within the U.S. government, including that of the Navy operators who are influenced by the sentiment of the bureaucracy, is to regard the Cape as somewhat dispensable; British-owned Ascension Island, midway in the South Atlantic and far to the west of Angola, can be used as an alternate point of the convenience.

Any strategist must view that proposition with a cold eye. It dismisses geography as being of no importance and is merely a quartermaster's view of global responsibilities. The very limited facilities offered by this island are not comparable with the resources of a continental position, with five such ports as Cape Town, East London, Durban, Port Elizabeth and Walvis Bay on the west coast. Ascension Island, no more than these ports, is prepared to refit a battered ship of war, as could Simonstown. It is 3000 miles misplaced to be a substitute for the Cape as to servicing ocean traffic, out of Asia to the western world, and bound mainly for Europe, when the direct route through the Mediterranean is closed. A ship sailing from Bombay to New York is now committed to a voyage of 13,000 miles around Africa, an increase of about 4,000 miles over the short route.

But there is a still larger consideration—that of making sure that we, not our possible adversaries, can depend on the Cape in time of need. Here, it seems to me that the Government in Washington and its extremely vocal and sometimes deliberately offensive spokesman at the United Nations, Ambassador Goldberg, just calculate it a certainty that the Afrikaners will feel compelled to stand by anyway, lick our boots, withhold cooperation from the Communists, refrain from vituperation, turn the other cheek, and remain ever willing to support our interests when we see fit to let them.

This kind of presumption is not only undignified in all human affairs; in international dealings it is positively dangerous. It is insulting to the other government; worse still, it must rub raw the feelings of the South African people.

True, one cannot imagine South Africa ever bedding down with the USSR or Red China. The people of the Cape have no tolerance for Communism. On the other hand, anyone who knows the Afrikaners must feel that the time will come, should we persist, when their Government will say: "You've ripped it, and we've had enough of you." An accountable government representing a prideful people cannot indefinitely eschew hitting back.

Americans who like to have a globe at hand when they think on our international problems—and there are probably fewer such Americans than there are problems—should take note of that part of oceania extending from the southwest end of the Indian Ocean just a few miles east of Cape Town to the northern reaches of the Western Pacific where the Kuriles begin. In all that expanse, which with the virtually unpatrolled Indian Ocean included as a whole, comprises about one-quarter of the globe, there are only three truly solid positions. By solid, I mean that they are land masses in the hands of governments capable of functioning as a direct influence in world affairs, being backed by a strong people, and I mean further that they are disposed to string along with us. The Cape is at one extreme, Japan at the other, Australia in between. All other lands bordering on that spread of ocean are either in the hands of our enemies, or tenuously held by our side, or in that problematic category called "the third world."

Of these three bastions, it is South Africa that this year, 1967, plays the most dramatic, the least dispensable role, in keeping lamps lit and wheels turning around the world at a close-to-normal rate, despite the prolonged blocking of the Suez Canal which will certainly extend into 1968, and possibly beyond. All of South Africa's ports began adjusting to the overload of work that was certain to come, this while the shootinig war was still on. Bunkering agents were ready to schedule traffic to whichever port had the facilities for the fastest servicing and the provisioners prepared to meet the needs of ships, crews and passengers. Harbor staffs were enlarged so that operations could continue round-the-clock.

South Africa had prepared itself to help moderate what might have developed as a far costlier world emergency. During the preceding five years, $35,000,000 was spent in improving the harbors. In that period, the annual cargo tonnage handle rose from 18,915,639 to 29,963,055, much of the increase coming from the mammoth tankers and bulk carriers too large to go through Suez. This traffic flow built up phenomenally after the first week of June, 1967, and has kept increasing since. Durban, the largest port, began handling 30 to 40 extra ships per day. At Table Bay, on June 29, pilots set a record for calls at Cape Town, handling 49 ships in one day. At Cape Town in June there was set another record, 921 ships with a combined tonnage of 7,744,000 being serviced.

Why was South Africa embarked on the harbor improvement program in the timely hour? Precisely because, during the other Suez crisis in 1956, when the Canal was closed for eight months, these several harbors around the Cape were called on to handle some 12,000 diverted ships. The Government anticipated that the same thing could happen again. During 1967, the tonnage handle at these harbors, according to the present flow rate will increase 200 percent over 1966.

This note is lifted from a Cape Town newspaper: "The first tanker to call at Cape Town in the huge oil-for-Europe lift, organized when several Arab nations shut down supplies to British and American companies, docked yesterday. She is the 22,000-ton American tanker, the Transhuron, on a voyage from an Iranian port. She took 600 tons of bunker oil and left the same afternoon."

Of course South Africa profits by this commerce. But I am pointing out that East and West are profiting more by virtue of the fact that she is there, ready to serve. Nowhere else on Africa's east coast or west is there any other source of help in this matter. The lifeline between East Africa, Southern Asia and the western world, when Suez is closed, runs through the Cape, and there is no way to change it. That the position, and the lack of alternative, are as yet in a real sense appreciated by the nations that are benefitting is not so much an irony as an utter absurdity.

Absurd is the right word for it, that our ships and the British in particular are being forced to make such large use of the Cape only a few months after Ambassador Goldberg, in a letter to Secretary Dean Rusk, urged that the United States should close off all relations with South Africa and express its willingness to join in sanctions, including an embargo on petroleum products. Harpooning South Africa seems to be a personal policy with him. At the opening of the last General Assembly he went out of his way to be nasty to the Afrikaners whereas the Russian delegate refrained. At the same time our merchant ships were able to bunker in South African ports on the oil that Goldberg would have embargoed. These ships, due to the 18-day extension in travel time, also have to take on provisions. They replenish their larders with beef from Rhodesia.

The hocus-pocus does not end with Goldberg. In June the Bulgarians had some sort of amateur wrestling tournament. A South African college team sought to compete. The Bulgarians turned down the request for visas with a blast of insult reiterating Bulgaria's determination to have nothing to do with South Africa. Within the week a Bulgarian ship entered Table Bay and signalled for permission to take on oil and provisions.

When the spokesman for South Africa arose to speak before the General Assembly in early October, 72 African and Asian delegates walked out. The South African ports in the same hour were servicing ships carrying their oil, their artifacts, to the markets of Europe and America, and but for that assistance, millions more of their people would be on hard times. The lack of honesty, the retreat from realism, is all pretty sad.

Mr. President, a study by the British Conservative Party came to a similar conclusion.

In the light of these evaluations of the strategic value of South Africa to the free world it is somehow difficult to understand why this country refuses to sell any military equipment to South Africa.

Some of the liberals in our country have decried the sale of arms to South Africa on the basis of South Africa's racial policies. These same people were all in favor of selling arms to Tito.

But, even giving the liberal do-gooders their say, I cannot see how submarines, destroyers, and long range antisubmarine aircraft could possibly be used in any way to enforce racial policies.

Mr. President, we are denying South Africa weapons with which she is willing to use to help support our struggle against Communist aggression.

The policy of the United States regarding the sale of military equipment to South Africa is made almost ridiculous by the fact that on November 16, 1967, it was announced that the U.S. Army had placed orders for $1,250,000 worth of special military equipment from South Africa.

The U.S. Army can purchase the South African tellurometer, a device which measures ranges by microwave, but the South African Army cannot purchase nine Cessna aircraft for coastal patrol.

A year ago the U.S. aircraft carrier *Roosevelt* visited Capetown for refueling, at a saving to the American taxpayer of more than $250,000. We would not allow the crew to go ashore in Capetown because of our supposed concern over South African racial policies and since then we have prohibited our ships from refueling in South African ports.

This prohibition has already cost the taxpayers of our country more than $2.5 million. In addition, we must send tankers and sailors to the Far East to refuel our fighting ships and to make repairs at sea.

Recently one of our carriers visited Japan and strong demonstrations were held to protest her arrival. No such protests were encountered at Capetown.

Mr. President, the United States has for some years had satellite and missile

tracking stations in South Africa in the operation of which the fullest support is obtained of the South African Government.

On renewing arrangements for tracking and telemetry installations on June 15, 1962, the U.S. Ambassador was authorized to state, inter alia, that—

The United States Government can assure the South African Government that it will give prompt and sympathetic attention to reasonable requests for the purchase of military equipment required for defense against external aggression.

Four months later on October 19, 1962, the U.S. representative at the United Nations declared that the United States had adopted and was enforcing the policy of forbidding the sale to the South African Government of arms and military equipment which could be used to enforce apartheid.

In August, 1963, the question of arms for South Africa was raised in the Security Council. Mr. Adlai Stevenson declared:

We expect to bring to an end the sale of all military equipment to the Government of South Africa by the end of this calendar year in order further to contribute to a peaceful solution and to avoid any friction which might at this point directly contribute to international friction in the area. . . .

He added:

The Council may be aware that in announcing this policy, the United States as a nation with many responsibilities in many parts of the world, naturally reserves the right in the future to interpret this policy in the light of requirements for assuring the maintenance of international peace and security. If the interests of the world community require the provision of equipment for use in the common defense efforts, we would naturally feel able to do so without violating the spirit and intent of this resolve.

Since then the United States has consistently refused to sell any military equipment to South Africa.

Mr. BARRATT O'HARA declared at the United Nations on November 2, 1965:

The United States had strictly observed the embargo on all arms and military equipment for the South African government. Indeed it had extended that embargo to cover items normally used for civilian purposes but easily convertible for military purposes; the loss of profits resulting from the embargo amounted to at least $115 million in less than two years.

He added:

His government estimated that an additional $285 million of orders which normally would have been placed in the United States had been placed elsewhere during the same period.

Mr. President, at a time when our balance-of-trade deficit is so critical the President is calling for travel restrictions, it is hard to understand a policy which, in addition to being of questionable merit, is costing the United States millions of dollars in trade.

Trade with South Africa helps the United States counter its balance-of-payments difficulties. The United States is running an increasingly favorable balance of trade with the Republic.

Mr. President, in the first 11 months of 1967 the United States exported goods to the value of $397.5 million to South Africa and imported only $204.2 million. During the comparable period in 1966 exports totaled $366.2 million and imports $226.1 million. Only about 14 other countries in the whole world take more from the United States than South Africa does—foreign aid included. Over 30 percent of American exports to the African Continent are taken by South Africa.

The United States has passed one insulting and condemnatory remark after another about South Africa's racial policy while remaining silent on the bloodshed, turmoil, tribal warfare, collapsing economics and falling standards in many other parts of Africa.

Mr. President, South Africans are now understandably beginning to resent this attitude on the part of the United States. Four members of the South African Cabinet recently reflected this public feeling by asking whether South Africa has not made a mistake by alining itself on the side of the West and whether loyalty to the West is not more burdensome than advantageous.

Whatever one may think of South Africa's policy of apartheid or separate development, the Republic has the highest general standards of living, education, and health for all races on the continent. About 1 million foreign Africans work in South Africa. Thousands of others enter the Republic illegally in order to seek the benefits of life it has to offer.

Britain is reducing her commitments in the Far East and the Indian Ocean. Further burdens are now falling on American shoulders. Is this a time to be insulting to South Africa and alienate her still further?

Mr. President, the prompt passage of the resolution I am offering to the Senate will express our realistic appreciation of the vital role played by South Africa as an ally.

ADDITIONAL COSPONSOR—SENATE CONCURRENT RESOLUTION 29

Mr. MILLER. Mr. President, I ask unanimous consent that the name of the junior Senator from Wyoming [Mr. HANSEN] be added as a cosponsor of Senate Concurrent Resolution 29.

Mr. LONG of Louisiana. Mr. President, reserving the right to object, and I am not going to object, I would like the Senator from Delaware [Mr. WILLIAMS] to know that I am going to respond to what he said when I am recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

DUAL MEMBERSHIP OF WALTER E. FAUNTROY ON THE DISTRICT OF COLUMBIA CITY COUNCIL AND ON THE BLACK UNITED FRONT

Mr. MILLER. Mr. President, an editorial published in today's Washington Post entitled "Multiple Interests" attempts to justify the dual membership of Walter E. Fauntroy on the District of Columbia City Council and on the Black United Front.

The editorial states that "multiple interests are not necessarily conflicting interests." This is obvious. However, it misses the well-established point that even if interests are not, in fact, conflicting, dual membership should be avoided if, in the public mind, there is a basis for the feeling that there is a conflict of interest—with the consequent undermining of public confidence in the public official involved. With respect to this point, Mr. Fauntroy and the writer of the editorial apparently are seemingly content to let public confidence be undermined.

It will not suffice to say that Mr. Fauntroy has the confidence of many District of Columbia citizens. What he must have above everything else is the confidence of all District of Columbia citizens that he is representing all citizens without a conflict of interest. He has forfeited this confidence. This has set back the cause of home rule for the District of Columbia—a cause which I would think he might espouse.

But the most astounding argument set forth in the editorial is that Mr. Fauntroy's membership on the City Council and on the Black United Front is comparable to a Member of Congress holding membership in the American Legion, the VFW, and the American Farm Bureau. These organizations are not in the same ball park with the Black United Front. It would be more apt to suggest that a Member of Congress, or a member of the District of Columbia City Council, or a member of the District of Columbia Police Department should be allowed to hold membership in the Ku Klux Klan, the Black Muslims, or some similar organization whose activities perform a disservice to the cause of good relations between American citizens of different races.

Mr. President, it is too bad that the writer of the editorial did not bother to use an appropriate analogy. If he had done so, the editorial could not have been written, and the editorial page of the Post would have been better served.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "Multiple Interests," which was published in the Washington Post today.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MULTIPLE INTERESTS

Multiple interests are not necessarily conflicting interests. This is a fact which ought to be particularly apparent to members of Congress. Some of them, however, have assailed the Rev. Walter E. Fauntroy because he has retained his membership in the Southern Christian Leadership Conference and the Black United Front while serving as vice chairman of the District City Council. Can it be that color clouds their vision or only that they see the mote in another's eye without being able to see the beam in their own?

Representative William J. Scherle of Iowa is one of those who has called upon Mr. Fauntroy to quit his outside associations. Yet Mr. Scherle sits comfortably in the Congress of the United States while he continues to be a member of the American Legion, the Veterans of Foreign Wars and the Farm Bureau Federation, all organizations pressing vigorously for congressional action in a variety of forms. For our part, we see no conflict in these affiliations; they attest to Mr.

Scherle's interest in public affairs and they afford channels of communication to his constituents.

Mr. Fauntroy was appointed to the City Council in part, no doubt—and quite properly—because he has roots in the Negro community of Washington which has hitherto been sadly underrepresented in District policy making. He is an exceptionally valuable member of the Council precisely because many Negroes have great trust in him. That trust is a product in no small part of his active participation in groups and movements committed to their welfare and to the realization of their rights as citizens. The Southern Christian Leadership Conference is just such a group. There may be differences of opinion regarding its tactics. But there is not the slightest reason in the world to doubt Mr. Fauntroy's assertion that he is doing everything in his power to make its activity "nonviolent, constructive and, therefore, effective and productive."

Mr. Fauntroy's decision to stand his ground is thoroughly justified. The unanimous support for him among the members of the Council reflects credit on the body. They are meant to be representatives of diverse aspects of the life of a great city, not cloistered acolytes.

PRESIDENT'S SUPPORT OF REDUCTION IN EXPENDITURES AND REQUEST TO CONGRESS FOR CONSIDERATION OF INCREASED TAXES

Mr. LONG of Louisiana. Mr. President, I find it regrettable that the printed RECORD never fully reflects whether a Senator is seeking to be amusing, facetious, entertaining, or whether he is really speaking his deep conscience and conviction about some matter. I know that at times I have tried to be whimsical or humorous on the floor of the Senate, but the RECORD does not reflect that a Senator intended something he said to be amusing rather than serious. That being the case, I have some difficulty understanding the remarks made this morning by my good friend, the distinguished senior Senator from Delaware [Mr. WILLIAMS]. The Senator, for example, referred to the Johnson administration's backing down on its proposed revenue measure.

No one knows better than I that the Johnson administration is doing everything within its power—the President, the Secretary of the Treasury, and all other responsible members of that administration—to pass a major revenue bill. They have been working at it diligently for a year in the House of Representatives.

I have never had any great enthusiasm for the bill. I was not convinced that it should be passed. I made a speech before the New York Economic Club last year and spelled out a number of reasons why I thought, at that particular time, that there was no economic case for the bill and that perhaps we might consider it on a different basis.

I remind Senators that the Constitution of the United States requires that revenue bills originate in the House of Representatives. I am fully aware of the fact that the Senate has a right to amend a revenue bill. It would seem to me that the spirit of the Constitution would certainly suggest that we respect the right of the House of Representatives to legislate and consider a major revenue measure of this sort—a $10 billion tax bill.

Prior to the time that the House has to act on a measure of that sort, the House has been studying it and has been studying it for 1 year. They know all about it. They know a lot more about it than we do. I personally have said on occasion that I did not think I was going to vote for it unless the House saw fit to send it to us if it had a bill that would come to us by a favorable vote of the majority of the 435 Members of the House of Representatives, each of whom will have to run for office this year, and that I would certainly feel it my duty to take a new look at it and hear everything that the administration wants to say in favor of it.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. LONG of Louisiana. Mr. President, I ask unanimous consent to proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Now, Mr. President, the Senator from Delaware [Mr. WILLIAMS] moved that we conduct hearings on his bill which is not an administration bill—it differs from it—as well as a bill that he introduced to reduce depletion allowances. I do not know which it is, S. 2902 or S. 2903. It seems that any time I have to contend with the Senator from Delaware, he wants to take the offensive. He always starts out—in view of the fact that the Senator from Louisiana represents a State which produces more oil for its size than any other State in the Union—by giving me a shower bath of oil. The offensive of the Senator from Delaware starts with a bill to reduce depletion allowances.

Mr. President, I am against it. I would be against it on any other basis. If the Senator offers it on this bill to extend excise taxes, which bill must be passed within a month otherwise the taxes expire, or on any other bill, I shall be opposed to it. I will vote against it.

I can anticipate some of the arguments which will be made by my good friend, the Senator from Delaware. I am sure that he has heard mine before, too, so that he does not have to be in the Chamber to listen to me because he knows what I am going to say; and I can anticipate what he will say on this subject, because our arguments are so well known to each other. However, those who have not listened to the arguments so far might do well to listen to both of us so that they can make up their minds on the subject.

The Senator from Delaware says that the Johnson administration is putting the pressure on us to oppose his proposals. Let me say that I told the Senator that I would do what I did do. I notified the Secretary of the Treasury that when he testifies on the extension of excise taxes, he should be prepared to answer questions with regard to the two Williams bills—S. 2902 and S. 2903. I told the Senator, and I told the committee, that the Senator could ask any number of questions he wanted to about the matter, as many as he wanted to, and that he can interrogate the Secretary of the Treasury and every member of the administration about the Williams bills from now until the end of the session if he wants to—but, of course, he will not insist on delaying that matter that much, I know that he will be concise and elicit from the witnesses what they think about his bills. He has every right to do that. There is no complaint about that. I am sure that the Secretary of the Treasury will be prepared to render his best judgment about the two Williams bills, S. 2902 and S. 2903. I, for one, will not offer any objection, or suggest any impropriety about the Senator's offering his bills as an amendment to the House-passed bill, when it reaches committee, on the basis that he has taken advantage of the committee, or of anyone else, by bringing out any of these matters by surprise, or without seeking to present his case fully before the hearing or otherwise.

That is how I feel the appropriate procedure would be, not just with regard to the Senator from Delaware [Mr. WILLIAMS], but to anyone who might want to offer an amendment to that bill.

The Senator from Delaware [Mr. WILLIAMS] has suggested that the Johnson administration has disciplined members of my party, that we went right down the party line and did just what the President told us to do.

Mr. President, I had no knowledge of what the President wanted to do about this Williams matter, one way or the other and, really, did not much care. I believe I have established something of a reputation representing my own judgment.

I am getting used to having someone say something unkind about the junior Senator from Louisiana which I did not regard as being true. I let it fall off my shoulders as water does off a duck's back. I am used to that sort of thing.

Mr. ERVIN. Mr. President, will the Senator from Louisiana yield right there?

Mr. LONG of Louisiana. I yield.

Mr. ERVIN. I should like to ask the distinguished Senator from Louisiana if he ever saw a disciplined Democrat?

Mr. LONG of Louisiana. I do not know that I have. On occasion, when Majority Leader Johnson was here, I felt that I was somewhat disciplined with regard to a few things that happened and when I got the worst of it.

But, I must say that this group over here has its share of mavericks who are impossible to control, so far as I am concerned.

Mr. ERVIN. Let me ask the Senator, is there any group more rebellious by nature than Democrats?

Mr. LONG of Louisiana. I know of no party with more built-in rebellion than my own.

Lest there be some other member of the committee not accustomed to that kind of treatment, let me say that I personally know that the distinguished occupant of the chair [Mr. TALMADGE] is no stooge for the administration. I have never known him to bow to the party lash of this or any other President.

The PRESIDING OFFICER. The time of the Senator from Louisiana has expired.

Mr. LONG of Louisiana. Mr. President,

I ask unanimous consent to proceed for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LONG of Louisiana. Now, Mr. President, I just expressed the opinion that the junior Senator from Georgia [Mr. TALMADGE], the present occupant of the chair, is not subject to party discipline. It has never been tried on him. If it is, it will be found to be a great mistake.

Then, there are other Members of the Senate who really should not be subjected to the judgment made by the Senator from Delaware [Mr. WILLIAMS].

Take the Senator from Tennessee [Mr. GORE]. Everyone knows that he is not one who follows the dictates of others, or who is a Johnson stooge.

Do we find any of that in Senator EUGENE MCCARTHY, of Minnesota, presently running against the President for nomination for President of the United States in the Democratic Party? [Laughter.]

Then here on the list of Democrats on the committee is that good old party line disciple, VANCE HARTKE, of Indiana. And what about that dependable, unflagging party-line adherent, WILLIAM J. FULBRIGHT of Arkansas? [Laughter.]

We must not forget LEE METCALF, the great Senator from Montana.

Therefore, I would suggest that each member of the committee should vote for what he thinks the appropriate procedure should be. We will assure the Senator from Delaware that he can have any information he wants on his bills, and can find out anything he wants to about them. In due course, the House will vote on the major revenue measure. If it does not, then it seems to me it would be appropriate for us to consider what we are going to do if the House does nothing with it. Until that time, I would hope that anyone who wants to offer his amendment would let us know about it and we will see that he has any information he would like to have.

Mr. WILLIAMS of Delaware. Mr. President, first I want to respond to my good friend, the chairman of our committee, the Senator from Louisiana. I assure him that nothing I said in my remarks was intended to be amusing. The fact that our Government is operating with a $20 billion deficit in 1968 and the fact that we will have a $28 billion deficit in 1969 are not laughing matters as far as I am concerned. This is a problem which should be faced by Members of Congress with a serious effort to solve it.

My criticism is that the administration has not faced up to this issue. If the Senator from Louisiana prefers not to have stand in my remarks anything which could be interpreted as indicating that he is a friend of the Johnson administration I apologize. I thought he had been a friend of the Johnson administration. I always have respected him, as assistant majority leader, as the "LONG" right arm of President Johnson in the U.S. Senate. But if he wants to disassociate himself from President Johnson—it is his President—I will go along with him, and he can disassociate himself. I do not want to embarrass him by pointing out his record of backing the administration. However, it is a fact that the Finance Committee, by a vote of 10 to 6, rejected the holding of hearings on this proposal to reduce expenditures and raise taxes, notwithstanding the fact that it was introduced on January 31, 4 weeks ago.

It has always been the custom in our committee that when requested, hearings are held on major bills introduced by members of the committee. The Senator from Louisiana points out that revenue bills must originate in the House. That is true. But we have the introduction of amendments in the Senate as a precedent. For example, I cite the import quota bills as a precedent. These were introduced in the Senate, even though such measures must originate in the House. The Senator from Louisiana is a sponsor of one of those quota bills. There are other precedents, such as bills dealing with quotas on steel, textiles, and other commodities. All of them originated in the U.S. Senate, and hearings were held in the U.S. Senate. I supported requests of members of the committee to hold those hearings, even though I said that most of them I would not be supporting.

Let me cite another precedent. The proposal to use part of our tax revenues to finance political campaigns was sent directly to the U.S. Senate Finance Committee by the President. This bill originated in the Senate and was introduced in the Senate by the Senator from Louisiana. Hearings were held in the Senate, and the bill was reported by the Senate committee as a rider on a revenue bill previously passed by the House. So there is nothing unusual about this procedure.

It all gets back to the question: Do we want to face the questions of expenditure reductions and tax increases here in the Senate, or do we want to hide behind the flimsy excuse, "Well, the House has not acted; so let us wait"? The administration hides behind the excuse as to why they have not had anyone to introduce their bill on the premise that it is not customary for revenue bills to be introduced until actually reported by the House. That argument does not stand.

Last February the administration asked for a $2 billion tax reduction through the restoration of the 7-percent investment credit. Eight bills to carry out this objective were introduced in a matter of hours in the House. Scores of bills are introduced every year pertaining to tax proposals in both the House and Senate. The question gets back again to this. If the Senator from Louisiana wants hearings held on the administration's bill first, I will agree to that procedure, but I challenge him now to introduce the administration bill and to let us hold hearings on it. Let us not just talk about it. Introduce the administration's bill, and I will support hearings on that bill as well as all other bills.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG of Louisiana. May I ask the Senator to wait until we hold the hearings starting Tuesday and see if he can get the information he wants then?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I ask for 3 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from Delaware is recognized for 3 additional minutes.

Mr. LONG of Louisiana. The Senator can ask any questions he wants to ask that would bring out any information that would be in support of his amendment from any witness he wants. If he wants to call a particular group of witnesses, I will accommodate him. But I hope he will give us a chance to proceed as the majority of us felt we should proceed. Then if he feels he has been denied an opportunity to get the information he wants, let him complain after the injury occurs, not for fear he may be prejudiced when none of us intends to do so.

Mr. WILLIAMS of Delaware. Mr. President, I have no other choice. But, as I stated earlier, the substance of these two bills which I introduced January 31 will definitely be offered as amendments to the excise tax bill.

The Senator from Louisiana raised the question about oil depletion. I realize that there is a strong feeling against changing the oil depletion allowance. I respect the position he takes on that question. I hope he respects the position I take that it should be changed. When this oil depletion amendment was introduced I said that this was an issue on which Members of the Senate had strong convictions, and for this reason I would not want to offer it as part of the same package.

I asked the administration for its position on this proposal, but what annoyed me—and I do not mind saying I was annoyed—was not so much the action taken by the committee, but that when I submitted these bills to the Treasury for comments I first got an answer that I would receive a reply by the middle of February. I was talking to them on the 14th, and then was told the answer would come the next week. In the early part of last week I was told I would get an answer in the latter part of the week. At the end of last week they said I would get an answer the first part of this week.

Then on Monday they said, "We have decided we will not answer your question because the administration does not want to take a position."

I say it is a cowardly act on the part of the administration not to take a position for or against these proposals. It has always been customary for the Treasury Department to respond and comment on revenue bills. These bills were submitted to the Department not only by myself but by the committee. I do not say the administration has to endorse them, but at least it should take a position. I do not like this dodging and dilly-dallying that we are getting from the administration downtown.

This is why we have such a credibility gap. Either they dodge an issue or if taking a position today they reverse it tomorrow.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. LONG of Louisiana. I had occasion to see the Secretary of the Treasury about a completely different matter since this matter came up. The Secretary of the Treasury will be present on Tuesday. He will answer the Senator's questions.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent for 2 additional minutes.

The PRESIDING OFFICER. Without objection, the Senator from Delaware is recognized for 2 additional minutes.

Mr. LONG of Louisiana. The Senator can ask the Secretary of the Treasury anything he wants to ask him. I am sure Henry Fowler will give the Senator an honest and forthright answer. I have always found him to be that way, and I am sure he will prove himself to be that kind of person again. So if the Senator does not have the answer in a letter, he can ask the Secretary personally on Tuesday.

Mr. WILLIAMS of Delaware. I thank the Senator. I assure him I will be there on Tuesday, and, rest assured the question will be asked. Likewise, the Senator will get a chance to vote on the proposals.

AID TO IMPACTED SCHOOL DISTRICTS

Mr. MONRONEY. Mr. President, a very important meeting of the Senate Appropriations Committee is scheduled this afternoon to consider H.R. 15399, the urgent supplemental appropriations for fiscal year 1968. Hundreds, if not thousands, of leaders in the field of education across the Nation will be vitally concerned with the decisions to be made by the committee on the bill. I want to call the attention of the Members of the Senate to this very critical issue and to urge all possible support for an amendment to this bill to include $91 million in supplemental funds for federally affected school districts under Public Law 874.

The principle of special financial assistance to defense impacted local school districts has been tested over a period of years and has proven most successful in helping to meet absolutely vital common school requirements in local areas which otherwise would be handicapped by the existence of a military installation or other Federal facility in the vicinity.

The $91 million included in the amendment to be offered to H.R. 15399 represents the difference between the full entitlement for fiscal year 1968 under terms of Public Law 874 and the amount which was appropriated last year. Without this amendment, schools depending upon this Federal support will receive only about 80 percent of their entitlement.

This congressional action of last year, made virtually mandatory by a freeze which was invoked by the Bureau of the Budget, has resulted in a crisis affecting hundreds of thousands of pupils across the land. While the cutback may have been justified as a temporary expediency at the end of the first session of the 90th Congress, the restoration of this funding is an even more important item of business for the Senate at this time. School boards in many federally impacted areas are unable to guarantee at this time a full 9-month school year for their children, many of whom come from families directly involved in the defense of the American flag. It would be particularly inappropriate for the Senate to leave in existence a funding shortage which would cause the greatest hardship for the children of those men and women directly responsible for our military and defense commitments both at home and overseas.

Dozens of Oklahoma school officials have brought this threatened inequity to my attention. Oklahoma receives only a very modest share of Public Law 874 funds. Its full entitlement for this fiscal year would be $11,138,039, but without the adoption of the amendment to be offered today, Oklahoma will receive approximately $2.2 million less than its full entitlement. Let me translate this into hard and stark reality in terms of two typical school districts in Oklahoma where the pupils come from families involved in defense activities.

The Midwest City, Okla., school superintendent, Mr. Oscar Rose, tells me this amendment will make the difference between full completion of a school year and a woefully inadequate program. At Midwest City the cutback had meant a loss of $334,000.

At Lawton, Okla., the reduction of late last year deprived the schools of almost $330,000 that had been budgeted for the current 9-month term.

In Oklahoma, as in many other States across the Nation, an education crisis grows more serious day by day. Just yesterday our Governor demonstrated a lack of courage by rejecting educational measures sent to him by the legislature to meet urgent needs of our common school system. One is tempted, when viewing the ever more serious lack of responsibility in certain quarters to meet school and educational requirements, simply to say to those who suffer, who are threatened, who complain, that this is beyond any Federal jurisdiction, that only through local initiative can our children obtain the educational advantages so absolutely necessary to the continued strength of our Nation. The responsibility for the heavy impact of students, mostly of parents employed on Federal installations is specifically federally caused. I do not believe either the people of Oklahoma or the people of the Nation as a whole want their representatives in the Congress to pass the buck or to haggle endlessly over the sharing of responsibility as between local, State, and Federal programs.

Instead, the people of Oklahoma are expecting that I, as one of their representatives in the National Legislature, do all I can to fulfill Federal obligations to our local school districts. This is why I am so deeply and firmly committed to this amendment to H.R. 15399. This is an emergency, not only in Oklahoma but all across the Nation, and I urge Members of the Senate to get behind this amendment with all possible strength. We must fulfill our responsibility and do what must be done at the Federal level to avoid an educational disaster in many federally affected school districts.

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOOD FROM THE SEA

Mr. PELL. Mr. President, hunger and starvation in developing nations that share the planet with us is both a shame and a reproach. It is a threat to all our hopes for lasting world peace. It is a massive obstacle to true development and progress. But we are equipping ourselves now with a strong weapon in the war against world hunger, and I was delighted to see prominent mention of it in the President's wide-ranging foreign aid message. I refer to his imaginative and exciting plan for a 5-year research-and-action program involving protein additives made from fish.

Most wisely, the President is calling for an energetic start now on a project that all of us know will not produce results overnight. The President and the food from the sea experts in the Agency for International Development realize that fish protein concentrate is no cureall. But they know also—and we in Congress must recognize—that if the world crisis in food and population is to be met in the late 1970's and 1980's, we have no time to lose now, in 1968.

I am informed concerning the fish concentrate that suitable harvesting of the seas could produce about an ounce and a half of pure animal protein per day for every person on earth—and that is four-fifths of the daily dietary protein requirement from all sources; the fish concentrate powder, which does not change the taste of foods to which it is added, can be used almost everywhere that dried milk can be used—for example, in bread, in baby food, for school lunch foods, in sauces, and in such foods as tortillas. Milk itself is not available today in much of the world; and the concentrate is cheap—cheaper than dried milk or dried fish; less than a fifth the price of chicken, in terms of protein content—and it can be stored almost indefinitely without refrigeration.

We know how to produce this concentrate; we know that it is safe, highly nutritious, and available to many of the less-developed countries directly, through their own marine resources, and the principal task ahead of us is development and marketing.

It is with the utmost enthusiasm that I welcome the President's proposal for fashioning such a powerful weapon in our war against hunger.

FOREIGN MILITARY SALES ACT

Mr. SPARKMAN. Mr. President, the proposed new Foreign Military Sales Act submitted today is a big step forward. It makes clear and expresses many of the things that may not have been clear before. It answers the valid questions that were raised in the Congress last year. It brings together in one place all of the legislation dealing with sales of military equipment—whether for cash or on credit terms—by the U.S. Government to other friendly governments.

It makes quite clear that cash or credit sales by the U.S. Government will be under the supervision and control of the Secretary of State, and that sales will be approved only when they are consistent with our foreign policy.

Sales to economically developed countries can either be for cash or for credit, including credit from the Eximbank. However, sales to the less developed countries, which may need credit extended by the U.S. Government, would no longer be funded by the Eximbank or through a revolving fund. Such credit sales would be funded only to the extent permitted by new obligational authority approved by the Congress. Thus, through the authorization and the appropriation processes, there is every opportunity for Congress to exercise its voice in this program. And the Congress will be well informed. There are ample provisions for reports to the Congress, not only of actions taken by the executive branch, but for forecasts of activity.

As in the past, the new law maintains reasonable ceilings on programs for Africa and Latin America, parallel to similar provisions in the Foreign Assistance Act. As in the past, it recognizes the interest of the Congress and the executive branch in encouraging regional arms control and disarmament agreements, and discouraging arms races. As an extension of the current law, it provides that the diversion of economic aid or Public Law 480 aid from the United States to military expenditures, or the diversion of the country's own resources to unnecessary military expenditures to a degree which materially interferes with its development, shall receive no further credit or guaranty consideration.

I think this legislation strikes a sensible balance between controls over and authority for the executive branch; and a sound and sensible balance of responsibility between the executive branch and the legislative branch which should result in a well-informed Congress acting wisely to provide authority and funds for military sales which help our developed allies bear their share of the common defense and help worthy undeveloped allies to develop in stability and freedom—and for no others.

GOLD AND SILVER PRODUCTION SEVERELY CURTAILED BY PROLONGED COPPER STRIKE

Mr. BENNETT. Mr. President, as those of us from the West know all too well, the copper strike drags on and on and on as the economic crisis and painful suffering by the workers continues.

I have spoken in the Senate many times on the impact that this 8-month-long strike—which is the longest involving an entire industry in the history of the United States—has had. With each passing week a new field and interest seems to feel the backlash of this labor strife which has now spread to 23 States and which is contributing at the rate of $1 billion a year to our balance-of-payments deficit.

Mr. President, in addition to the impact in all walks of economic and personal life caused by this strike we can add two more fields. These are gold and silver.

Mr. President, this copper strike has cost this country about one-half of its annual gold production. In addition, as a result of this strike we have lost twice the amount of free silver presently held by the Treasury.

The Committee on Banking and Currency, of which I am the ranking Republican member, has just favorably reported a bill which would eliminate the reserve requirements for Federal Reserve notes in an effort to provide adequate assurance that the full amount of U.S. gold reserves would be available if needed to maintain the stability of the dollar.

The administration has told us that this proposal is necessary to maintain a healthy international economy. I find it rather interesting, in light of this proposed legislation which, if followed by other proper administrative action, is intended to reverse a drain on our gold, that the copper strike has resulted in a loss of 800,000 ounces of gold so far. The U.S. gold production is about 1.5 million ounces a year and a little more than half of this is a byproduct of copper, lead, and zinc production. This amounts to a loss of about $28 million in gold that this country is suffering at a very critical time in our economic history. I realize the lost amount is not sufficient to handle the needs that this country requires and to reverse the decision to remove the gold backing, however, the amount is not insignificant especially during a time of gold crisis when every ounce is vital.

According to the latest figures available, the electrolytic copper refineries of the American Smelting & Refining Co., Anaconda, Kennecott, and Phelps Dodge had a refined gold production of about 115,000 ounces a month. The gold recovered at the refineries includes not only the byproduct gold from the companies' own copper mining operations, but also gold contained in other products received at the plants.

Aside from the critical gold loss which probably never will be recovered, we have an equally critical silver loss which also comes at a very inopportune time.

A serious shortage of silver 3 years ago forced the Government to revise its coinage system in an effort to replenish our silver supplies. In addition, we have limited silver sales from the Treasury, and now the Joint Commission on the Coinage plans a meeting March 1 to determine the next move in silver.

The Treasury currently has on hand a total 33,588,431 ounces of free silver. It is worth $43,427,466.82.

In 1966 the silver produced by the four main copper firms currently struck by the steelworkers union was 98,198,000 ounces. This figure was at about the same rate for the first half of 1967. This copper strike, in other words, has cost us 8 million ounces of silver a month or 64 million ounces since the strike began. This is about twice the amount of silver currently on hand in the Treasury.

According to the annual reports of the following firms, silver production in 1966 was: American Smelting & Refining Co., 76,217,000 ounces; Phelps Dodge, 3,681,000 ounces; Kennecott, 4,847,000 ounces; Anaconda, 13,453,000 ounces.

I have cited a good many reasons in past discussions in the Senate as to why the President should immediately invoke the 80-day cooling-off period provisions of the Taft-Hartley Act. I have used as an argument for this action the following:

First. The suffering and economic plight of 60,000 copper workers.

Second. Deteriorating balance-of-payments situation.

Third. The tremendous economic impact upon the Western States which have been hit—that is, in Utah the totals are more than $83 million in lost revenue.

Fourth. The fact that the copper stockpile is only 33 percent of the objective. We would run through the stockpile in 1 month if all of our outside copper sources were cut off today.

And the reasons probably could run on and on.

My purpose today is to add two additional reasons: the gold situation and the silver situation.

In light of these factors and in the light of the apparent exhaustion of any other alternatives it is becoming more and more obvious that the only answer to this work stoppage is for the President to invoke the Taft-Hartley Act. I feel that this move is all but inevitable, and he might as well get it over with as soon as possible.

I am not alone in making this request. The Governors of the five States involved in the West have asked time and time again. The two major newspapers in Utah have editorialized on the subject. One of our major radio stations in Salt Lake City has also urged that something be done. Yesterday, the Washington Post editorialized on the subject as well.

I ask unanimous consent that these four editorials be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Salt Lake City (Utah) Deseret News, Feb. 19, 1968]

WHITE HOUSE FIDDLES AS STRIKE DRAGS ON

Despite the handicaps that encumbered it, the special White House mediation panel that was named four weeks ago could have helped break the deadlock in the nation-wide copper strike if it had done its job property.

By firmly establishing facts and figures that are in dispute, the panel could have helped to narrow the scope of the conflict.

By publicizing the rights and wrongs on both sides of the strike, it could have helped generate public pressure on labor and management to speed fair settlement.

Moreover, by making specific recommendations for settlement, it could have given labor and management a statesmanlike way

out of the strike without one party's appearing to capitulate to the other.

Instead of taking these steps, the panel has, in effect, thrown up its hands in despair. Dealing mostly in generalities, the panel has criticized both sides for intransigence, and beseeched them to resume negotiations immediately.

One of the few concrete suggestions from the panel is that the copper industry be broken down into three major groups. One bargaining unit would consist of copper mining, smelting, and refining. Another would consist of copper wire cables and brass fabricating. All other industry units involved in the production of nonferrous metals would make up the third bargaining group.

The danger in this approach is that it could lead to company-wide bargaining, which could become a prelude to industry-wide negotiating. If that happens, all companies could be forced into the same mold regardless of differences in their individual circumstances, and a strike could shut down an entire industry, as is happening now.

But at least the proposal makes it clear that the federal panel—which moved promptly and zeroed in on the major roadblock in the strike—does not go along with the unions' demands for simultaneous contract expiration dates and similar wage settlements for all operations of each of the companies.

Moreover, as the unions meet Tuesday to decide on the panel's recommendations, there is room for bargaining and certainly negotiations should be resumed promptly.

If bargaining is not resumed, however, the White House should be prodded on invoking an 80-day cooling off period under the Taft-Hartley Act. As for the administration's contentions that the copper strike doesn't qualify as a national emergency so that a cooling-off period can be imposed, they just don't hold water.

Critical copper shortages have failed to develop only because copper is being imported at the rate of 14,000 tons a week, compared to only 4,000 tons before the strike. These imports are adding to the drain of gold out of America at the rate of $20 million a week, or more than $1 billion a year. If a big increase in the already serious gold drain doesn't constitute a national emergency, what does? Moreover, how can the administration in good conscience curb tourist travel and business investment abroad while permitting the copper strike to export dollars abroad? Even with a cooling-off period under the Taft-Hartley Act, something may still be needed to get the dispute off dead center—and voluntary binding arbitration could turn the trick.

Admittedly, getting tough with a labor dispute isn't easy, particularly during an election year. Even so, when it comes to the copper strike, President Johnson needs to write a new chapter for Profiles In Courage.

[From the Salt Lake City (Utah) Tribune, Feb. 23, 1968]

PUBLIC INTEREST DEMANDS STRIKE ACCORD

The special federal panel's recommendations may or may not have been the way to get negotiations in the copper strike going again. But the 26 striking unions simply weren't interested. They rejected the recommendations out of hand, with a union spokesman explaining that inequities in wages and working conditions cannot be wiped out by piecemeal bargaining. That is just another way of saying the unions won't yield on company-wide bargaining, the major issue preventing a settlement.

Nevertheless, negotiations between union and Kennecott Copper Corporation officials were suddenly resumed Thursday and other meetings are scheduled for Monday. This could be an indication there still is hope of agreement though no progress was reported at the initial session.

Joseph P. Molony of the United Steel Workers, head of the strike coordinating committee for the 26 unions involved, says the outlook is grim. It certainly is. The strike, now in its eighth month, has lasted longer than any other involving an entire American industry. The economic losses have been tremendous—and these are borne by the public as well as the unions and the copper industry. Yet the Johnson Administration refuses to invoke the Taft-Hartley Law on the grounds that the national health and safety are not endangered.

Technically, the Administration's position may be correct. But what about the nation's economic health? In Utah the losses have been appalling. (See Strike Box Score on Page 21.) And Utah is just one of the states directly affected, while the indirect effects of a national strike are nationwide.

The use of Taft-Hartley might not produce a solution. But it would at least send the strikers back to work during an 80-day cooling off period. And with federal prodding—instead of federal passing the buck to a special panel—meaningful negotiation might result. Moreover, as Senator Wallace F. Bennett said, if the President is convinced he lacks the power to settle the strike, "it is time he submitted legislation which would deal with this strike and other national emergencies involving the public interest."

The public interest has been forgotten in (again quoting Mr. Bennett) "a battle of great power within the labor unions and Wall Street." This is an intolerable situation. And the two belligerents should no longer be permitted to continue their war while the public suffers.

[From the Salt Lake City (Utah) Deseret News, Feb. 24, 1968]

COOL OFF THE STRIKE

Which comes first at the White House—politics or the national interest?

An answer to this crucial question should not be long in forthcoming if the International Longshoremen's Assn. persists in its refusal to handle copper exports and imports. The union called off Friday's hasty boycott, but did not make clear whether or not it would unload copper next week.

Such action would reduce sharply the nation's copper supply, the bulk of which has come from abroad since U.S. production facilities were struck more than seven months ago.

In that case, the White House will no longer be able to fall back on the excuse that meaningful federal intervention in the strike is unwarranted on the ground that the tieup does not constitute a national emergency.

Indeed, this excuse has been weak and unconvincing all along. In 1951 the President invoked an 80-day cooling-off period under the Taft-Hartley Act less than a week after the Mine-Mill union went on strike against copper producers.

But the current strike has been allowed to drag on for 225 days, with a loss to Utah alone of more than $83 million, and with a drain of gold out of America at the rate of $20 million a week or more than $1 billion a year. At the same time the strike also exports jobs and puts America at the mercy of overseas producers in obtaining a strategically important metal. All this, we submit, constitutes a serious threat to national safety.

To counteract a boycott, the government could release copper from its defense stockpiles, which already are far below the stated goal; challenge the dock workers' action as a possible illegal secondary boycott; or send the striking copper workers back to their jobs for 80 days under the Taft-Hartley Act.

In taking any of these actions, the White House would risk alienating organized labor during an election year. But the copper strike is already the longest tieup of an entire industry in the history of the United States. Further temporizing on the part of the nation's leaders would be intolerable and inexcusable.

[From the Washington (D.C.) Post, Feb. 26, 1968]

COPPER EMERGENCY?

The Government cannot stand by and allow the International Longshoremen's Association to embargo shipments of copper in order to aid the strikers who have kept the domestic copper industry idle for seven months. It is true that 40,000 tons of refined copper are being imported monthly to relieve the sharp draw-down of the American stockpile. But this seems to be essential to avoid a dangerous shortage in time of war. It is not the prerogative of the ILA or any other labor union to tell the Government that it may not import necessities in times of emergency. Indeed, it is not the right of organized labor to set Government trade policies in the best of times.

If the situation is not yet critical, it is not far from being so. The national objective is a copper supply of 775,000 tons on hand and in the stockpile. At present the stockpile is down to 284,000 tons, and some of this must be released to the mints. Because of of the shortage the price of copper has skyrocketed from 38 cents about the time the strike began to 70 cents or more today, and the higher prices will certainly be reflected in the cost of military supplies.

The outlook is the more gloomy because the unions in the copper industry have turned down a reasonable bargaining proposal from the President's panel which investigated the dispute. The panel and two Cabinet members asked that bargaining begin immediately within three separate units: (1) Copper mining, smelting and refining; (2) Units producing other non-ferrous metals; and (3) Copper wire and cable and brass fabrication. Certainly this was a substantial concession to the union demand for company-wide bargaining, and it is most unfortunate that it was not made a basis for serious bargaining.

In the circumstances, the President may soon have no alternative to invocation of the Taft-Hartley Act. Inadequate though it is, that law can terminate a walkout for 80 days when the national health or safety is imperiled. With the ILA disposed to throw its weight around in reckless disregard of the national interest, Taft-Hartley may well be the only feasible answer.

[KSL radio editorial, aired week of Jan. 22, 1968]

STRIKES

President Johnson is absolutely correct in declaring that labor strikes and the threat of strikes add to the drain of gold abroad. But how consistent or realistic is his appeal to labor and management for a voluntary strike truce for the next two years to straighten out the balance of payments?

How can we expect anyone to take the appeal seriously when he neither uses the tools already available to him to handle strikes nor keeps his longstanding promise to seek new, more effective tools?

For more than six months now, the copper industry has been locked in strike . . . the longest and most costly in its history. The economies of several states, particularly Utah, have been seriously affected. Workers have suffered so grievously it will take 18 years, with the best possible settlement, to recover lost wages.

Moreover, the strike has dragged on during the same period the administration has been so concerned about the balance of payments. Twenty million of American dollars a week are being poured out abroad to import foreign copper, and this can go on indefinitely.

If the administration wants to stop such damage to the dollar, at least temporarily,

why does it not use its powers under the Taft-Hartley Act to get copper workers back on the job?

Looking further ahead, why is the administration still delaying in presenting to Congress the legislation it promised three years ago to prevent the damage large-scale strikes do to the economy?

KSL endorses the appeal to minimize strikes. It welcomes the principle that wage settlements should be kept within the limits of productivity gains. But it would have more confidence in both if the administration would act instead of just talk.

SWITZERLAND REMOVES BAN ON IMPORTATION OF POULTRY PARTS

Mr. HARRIS. Mr. President, it was with great pleasure that I noted a recent joint announcement by the U.S. Department of Agriculture and the Office of the President's Special Trade Representative that from February 12 the Swiss Government is permitting imports of uncooked frozen poultry parts. I understand the Swiss action was taken as a result of representations by the U.S. Government. It eliminates a significant nontariff barrier to a major American agricultural export which permitted only whole poultry from U.S. federally inspected slaughterhouses.

At a time when European-American economic relations are straining and the drift toward protectionism both here and abroad is apparent, it is indeed encouraging to see some positive expansionary gestures among trading nations.

I commend the Government agencies involved who have taken the lead in reducing nontariff barriers to our trade. Access to the Swiss market for poultry parts is a real breakthrough in this area. It took several years of effort, but surely the effort will be more than repaid in benefits to our domestic poultry industry.

Switzerland is the world's second largest importer of poultry meat, importing nearly 50 million pounds annually. U.S. producers at one time supplied a substantial part of this total, but they have encountered difficulty recently in supplying the Swiss market because of subsidized competition from other European suppliers. The Swiss action should permit greater participation in this growing market for quality U.S. poultry products.

I ask unanimous consent that the entire press release by the Department of Agriculture be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF AGRICULTURE,
Washington, February 13, 1968.

SWITZERLAND LIFTS BAN ON POULTRY PARTS IMPORTS

The U.S. Department of Agriculture and the Office of the President's Special Trade Representative today announced that the Swiss Government has agreed to lift its ban on importation of uncooked frozen poultry parts into Switzerland, effective February 12.

This action is the result of efforts by the United States Government to widen the export market for U.S. poultry. It eliminates a significant non-tariff barrier and is expected to bring about an expansion in the Swiss market for U.S. poultry meat, USDA officials said.

The new Swiss regulation applies to chickens, turkeys and geese. It provides that legs, breasts, wings and poultry rolls may be admitted provided they meet the conditions fixed by the Federal Veterinary Office. Poultry may come in only from U.S. federally-inspected slaughterhouses and only from plants that sell whole frozen birds. Packages up to 2 kilograms, prepared ready for sale, must be marked in accordance with specified Swiss regulations. The import duty rate was announced as 30 Swiss francs per 100 kilograms (3.1 cents per pound), the same as the present rate for whole broilers. (Cooked products, including turkey rolls, will continue to be imported under current tariff numbers and not classified as poultry parts.)

Switzerland is currently a market for approximately 50 million pounds of imported poultry. U.S. producers at one time supplied a substantial part of this but have encountered difficulty recently in supplying the Swiss market because of subsidized competition from other suppliers. This Swiss action is expected to permit the U.S. to participate more actively in this market.

RECENT ADDRESS BY THE HONORABLE WILLIAM McCHESNEY MARTIN ENTITLED "THE PRICE OF GOLD IS NOT THE PROBLEM"

Mr. COOPER. Mr. President, on February 14, the Honorable William McChesney Martin, Chairman of the Board of Governors of the Federal Reserve, gave an address in New York City before the Financial Conference of the National Industrial Conference Board entitled "The Price of Gold Is Not the Problem."

In his address Mr. Martin discusses recent comments by indivuals in the United States and abroad who advocate an increase in the official price of gold; that is, devaluation of the dollar as a method for dealing with the increasing U.S. balance-of-payments deficit.

After tracing the origins and history of our balance-of-payments deficit, Mr. Martin demonstrates that any proposal to increase the price of gold and hence to devalue the dollar is neither necessary nor desirable, and that a rise in the price of gold would not offer a permanent solution to the U.S. balance-of-payments deficit. He further points out that such a rise in the price of gold would break faith with nations around the world that have held dollars on the basis of our Government's policy that the price of gold would not be increased.

The real solution to the U.S. balance of payments lies in our domestic fiscal and monetary policies. Mr. Martin makes the following observation:

The United States can and must pursue domestic fiscal and monetary policies that keep its economy and its price level under control. This is the paramount economic issue of 1968. And it must for the time being persevere with supplementary balance of payments measures to help restore its external payments to equilibrium as quickly as possible. Tinkering with the international price of gold is in no sense a substitute for actions that face up to these hard facts of life.

Mr. Martin's views on this subject are not only timely, but should be read and studied by everyone concerned with remedying the serious economic problems confronting our country today at home and abroad.

Mr. President, I ask unanimous consent that Mr. Martin's address be included in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE PRICE OF GOLD IS NOT THE PROBLEM

The international monetary system has been the subject of much uncertainty in recent months. The devaluation of sterling in November provided a shock which, against the background of a persistent deficit in the U.S. balance of payments, precipitated fundamental questioning as to the evolution of the international monetary system, the role of the dollar, and the price of gold. A number of observers in the United States and abroad have come to the conclusion that an increase in the official price of gold would be desirable; others have decided that, even if it is undesirable, a rise in the gold price is inevitable.

I am firmly of the belief that a higher gold price is neither necessary nor desirable. In reviewing with you the problems of the international monetary system, I want to make it unmistakably clear that the future evolution of the system can and should be based on the present price of gold.

There is no doubt that the problems facing the international monetary system are serious. I have no wish to underestimate their gravity. Consideration of the various solutions that have been proposed must be based on a clear understanding of the nature of the problems that we face. This is a time for cool-headed appraisal in the light of history and not for unmindful acceptance of panaceas that risk overturning a system that has provided the monetary framework for an unprecedented expansion of world income and trade in the period since Bretton Woods.

The case I shall put to you in what follows can be summarized in two straightforward propositions.

First, it is imperative to adjust the balance of payments of the United States away from large and persistent deficit and of Continental Europe away from large and persistent surplus. A higher gold price would do nothing to bring about those adjustments.

Second, the nations of the world need a means of increasing their reserves in a way that is not dependent on continuing deficits in the U.S. balance of payments. I am confident that the Rio Agreement on Special Drawing Rights can fulfill this function at the present price of gold.

THE DOLLAR AND THE U.S. BALANCE OF PAYMENTS

The root of the present imbalance in international payments can be traced back to the early years after World War II. At that time, the United States initiated a program of international assistance designed to promote the economic recovery of war-damaged countries. In the process, the United States deliberately created a deficit in its balance of payments, while countries in Europe and elsewhere deliberately sought to achieve surpluses. An important by-product of the recovery program was that it increased the depleted reserves of the war-torn countries—by putting them in a position to accumulate dollar balances and by redistributing U.S. gold reserves—which at the end of 1948 comprised more than 70 per cent of world gold holdings.

Policies designed to encourage a U.S. payments deficit took many forms. We provided funds through the Marshall Plan in amounts larger than was necessary for countries in Europe to purchase badly-needed American goods, thus making it possible for aid recipients to accumulate dollar reserves. We deliberately kept the aid untied by encouraging the spending of U.S. grants and loans in countries other than the United States. Much of the aid was in the form of grants rather than loans, so as to avoid burdening the future payments positions of the recipients. We provided special inducements for direct investment by American corporations abroad.

We even encouraged European countries to liberalize their imports from each other while they continued to restrict their imports from the United States, and later we supported the formation of the Common Market.

In these and other ways, the United States adjusted its policies—and its citizens responded in their actions as importers, lenders, investors, and travelers—to the maintenance of a deficit in its balance of payments. In other words, the United States accustomed itself to an outflow of government and private capital in excess of its surplus on goods and services—with the result, as intended, that U.S. dollar liabilities increased and U.S. gold reserves fell. The countries of Continental Europe made a corresponding adjustment to a surplus position—that is to an inflow of capital from abroad combined with a pattern of transactions on current account that resulted in steady and sizeable increases in their gold and dollar reserves. It was during this period that the dollar became the world's major reserve currency.

It is significant that in those early years, we did not describe these payments positions as "deficits" and "surpluses." Many a newspaper article and book were written at that time about the persistent U.S. "surplus" and the intractable dollar shortage. The build-up of U.S. dollar balances abroad, together with the sale of U.S. gold to other countries, was universally regarded as desirable. And so it was.

But like the man who came to dinner, the U.S. deficit, though invited, stayed too long. And so did the European surpluses. Both became chronic.

A continuing U.S. deficit of substantial size is neither desirable nor tolerable. Such a deficit saps the international liquidity position of the nation, by continually building up liquid liabilities abroad or continually reducing U.S. reserves, or both. A steady worsening of our liquidity position—even while our net worth is improving—cannot be sustained indefinitely. As a reserve currency, the dollar is widely held around the world. It is natural that holders of dollars look to our gold and other reserves, expecting us to maintain a reasonable relationship between our liquid reserves and our short-term liabilities, just as depositors look to the funds held in reserve by their banks.

The United States as a bank to the rest of the world was in the early postwar years a bank with *too* strong a liquidity position. By means of the Marshall Plan and the other policies I have mentioned, the bank embarked on a deliberate program that transformed its liquid assets into less liquid form, while its liquid liabilities expanded. In the process, the bank basically improved its position, while contributing significantly to world economic growth, for it acquired sound and high-yielding long-term assets around the world as a counterpart to its increasing liabilities. But its liquidity deteriorated, since its most liquid asset—its gold reserves—declined while its liabilities expanded.

This drawing-down in the bank's liquidity position—once welcome—has now gone on for too long. The time has come to arrest it, and to do so decisively. As this happens the bank's depositors—the rest of the world—must adjust to a slowdown in the lending and deposit-creating activities of the bank by providing other sources of capital and by establishing another means of increasing international reserves.

In other words, the world payments pattern is going through a period of transition—away from the pattern I have described—and the transition is understandably a painful one, since it requires a modification of so many policies and habits established earlier. The United States must cut the suit of its payments abroad to fit the cloth of its receipts from abroad. And the countries of Continental Europe must do the reverse—they must find ways to export capital in an amount equal to the excess of their exports over their imports of goods and services—or else they must reduce their export surpluses. And the adjustment by both sides should be carried out in a way that is compatible with the healthy and inflation-free growth of the world economy.

The U.S. balance of payments program, announced on January 1 by President Johnson, should produce substantial results. That program is more severe than would have been needed had timely action on the domestic stabilization front been taken a year or more ago. Furthermore, the new program necessarily represents a step backward—temporarily—from our aspirations for freer world investment and trade. While the various features of the program are serving a necessary stop-gap purpose, it is essential that the United States strengthen its underlying payments position. This means, at the very least, that it is vital for the United States to pursue effective stabilization policies that promote price stability and a competitive cost structure.

The results of the balance of payments program will be sustainable only if the reduction of the U.S. deficit has as its counterpart a reduction of European surpluses. This is so because there are not many countries outside of Continental Europe that earn large surpluses or that have strong enough reserves to be able to adjust to a substantial improvement of the U.S. payments balance.

I am pleased to say that the reactions of European officials to the announcement of the U.S. program seem by and large to be highly constructive. They have made it clear that they understand the economic necessity I have just mentioned and that they intend to adopt policies designed to facilitate rather than interfere with the adjustment of the payments imbalance.

European officials recognize the need to prevent a reduction in total demand in their economies as U.S. foreign investment and other forms of spending in Europe decrease. They recognize the need to offset through their monetary policies tendencies for the reduction in the flow of dollars to Europe to tighten monetary conditions there and, more broadly, they recognize the need to encourage capital outflows from their markets. And they acknowledge that the pursuit of such policies may result in reductions in their own reserves.

Thus, we have before us the possibility, if stated intentions on both sides of the Atlantic are implemented with proper actions, of a highly successful effort of international cooperation—aimed at rectifying the imbalance in international payments and completing the transition away from the payments pattern that was established, in response to need, in the earlier postwar period.

In the light of this way of looking at the balance of payments adjustment problem, I can now put to you the following question: is there any reason to think that a higher gold price would help to bring about the needed adjustment?

It can be taken for granted that a unilateral devaluation by the United States is impossible; a change in the price of gold in terms of dollars would undoubtedly be accompanied by an equal change in terms of virtually all other currencies.

Would the U.S. balance of payments improve as the result of such an increase in the price of gold? Only to the extent that the enlarged foreign exchange earnings of gold producing countries led them to increase their purchases from the United States. But this would be a very small benefit compared with the magnitude of the U.S. payments deficit, and would be far outweighed by the many disadvantages that would accompany an increase in the gold price. Would American corporations have less incentive to invest abroad? Would Americans travel less? Would developing nations need less aid? Would our imports decrease? Would our military spending in Europe and Asia seem less pressing—if the price of gold were higher? The answer in each case is clearly no.

Would European surpluses decline as the result of a higher gold price? Not at all. In fact, insofar as gold producing nations increased their purchases from Europe, these surpluses would be aggravated.

It seems perfectly clear that a revaluation of gold would make little or no contribution to an adjustment of the imbalance in international payments.

There are those who will accept the point I have just made but will say that an increase in the gold price will buy time for the United States. Buy time for what? They can only mean that it would delay the need for forceful measures to improve the balance of payments—that it would permit the United States to avoid distasteful curbs on capital outflows or other payments abroad and continue to incur deficits, thus putting off the painful adjustment to a healthier balance of payments. It seems clear to me that a measure known to be intended to buy time, if it is not accompanied by action to improve the underlying problem, will in fact buy relatively little time—for markets will anticipate the lapse of the period of bought time and act accordingly. Thus, a rise in the gold price is not an alternative to measures to strengthen the balance of payments. Such measures are required in any event and cannot be avoided by an increase in the price of gold.

The United States can and must pursue domestic fiscal and monetary policies that keep its economy and its price level under control. This is the paramount economic issue of 1968. And it must for the time being persevere with supplementary balance of payments measures to help restore its external payments to equilibrium as quickly as possible. Tinkering with the international price of gold is in no sense a substitute for actions that face up to these hard facts of life.

THE DOLLAR AND INTERNATIONAL LIQUIDITY

I turn now from the balance of payments problem itself to the relation between the U.S. balance of payments and international liquidity and the relevance of this to the price of gold.

It became clear soon after the war that as economic recovery and economic growth proceeded, countries wished to see their gold and foreign exchange reserves increase.

The balance of payments pattern that was established in the postwar period provided a built-in mechanism for expanding not only the reserves of the war-torn countries but also for expanding world reserves. Insofar as other countries added dollars to their reserves instead of using dollar accruals to buy gold from the United States, the U.S. deficit enlarged the reserves of other countries without reducing U.S. reserves. And even when other countries began to use a part of their dollar receipts to purchase gold from the United States, their reserves rose faster than our reserves fell—and world reserves expanded accordingly. But this process had the inevitable effect of reducing the international liquidity position of the United States.

The balance of payments adjustment that must now be accomplished will cut off this major source of reserve growth. Yet the desire of countries around the world to increase their reserves has not diminished and will not diminish. Thus another source of reserve growth will be needed.

It is understandable that nations wish to see their reserves increase over time. Individuals and businesses expect their liquid assets to grow as their incomes grow. Liquid assets are there to be used in times of temporary shortfalls of receipts below payments. But no individual or business and no nation

can afford to see its liquid reserves diminish persistently. Taking all nations together we have observed, and will no doubt continue to observe, a tendency to add to reserves over time. What is needed is a steady and dependable supply of new reserves to satisfy this basic desire of nations to increase their reserves—a supply that is neither excessive nor deficient but consistent with the noninflationary growth of the world economy. A once-for-all or once-in-a-generation increase in the value of gold reserves resulting from an increase in the gold price is no substitute for a gradual and steady accretion of new reserves. It is precisely this need that the Special Drawing Rights are designed to fulfill.

It has been clear for many years that new gold production alone cannot provide the necessary increase in world reserves. It is equally clear that dollars cannot and should not any longer satisfy a major part of the desired growth in the reserves of other countries. This was the basis for the unanimous decision of the members of the International Monetary Fund at Rio last September to proceed with the plan for Special Drawing Rights.

It has been said, and correctly, that the Rio Agreement is a landmark in international monetary history. It is a landmark because it introduces a new concept—the deliberate creation of international reserves as a supplement to existing reserves of gold and foreign exchange. The Federal Reserve System is based on the proposition that "money will not manage itself." The SDR Agreement can be said to be based on the view that international money will not manage itself either. The willingness of monetary authorities to coopertae, through the International Monetary Fund, in the creation of Special Drawing Rights has unmistakable implications: it means that the world will be assured of a growing supply of reserves *at the present price of gold.*

Events of recent months—the shock to the international monetary system following the devaluation of sterling and the strong reinforcement of the U.S. balance of payments program—lend greater timeliness to the to the implementation of the Rio Agreement. Once the SDR Amendment is completed by the Executive Board of the International Monetary Fund and approved by its Board of Governors, I would hope that governments would proceed promptly to seek ratification from their legislatures.

THE ROLE OF GOLD

I have said that neither of the two major problems facing the international monetary system calls for an increase in the price of gold. Such a step is neither necessary nor desirable as a solution to the problem of international payments imbalance or to the problem of assuring adequate growth in international reserves. It would be highly disruptive and highly inequitable. A small increase in the gold price would inevitably engender expectations of additional increases in the not-distant future, thus leading both private and official holders of dollars to convert them into gold and negating the increase in international liquidity that the gold price rise was designed to achieve. An increase in the price of gold of sufficient magnitude to avoid arousing expectations of another such move soon would have to be very large. It would undoubtedly be inflationary, for it would expand, by a corresponding amount, both the reserves of gold holding countries and the purchasing power of private gold holders. Neither a large nor a small rise in the price of gold would increase international reserves in an orderly and equitable manner. Countries with small gold reserves would share very little in the increase in reserves. Other means of increasing reserves of countries—particularly those holding little gold—would be required in any event.

The recommendation of a higher gold price based on the fact that the general price level has risen greatly since the early 1930's while the price of gold has been unchanged mistakenly views gold more as a commodity than as a measure of monetary value and a monetary reserve asset. To raise the price of gold because the general price level has risen would be like increasing the length of the yardstick because the average height of human beings has increased.

In addition to these general economic considerations, which argue strongly against raising the gold price, there are considerations of special concern to the United States. A rise in the gold price would break faith with the many nations around the world that have held dollars on the basis of confidence that the United States would stick to its commitment regarding the price of gold.

Those who recommend an increase in the price of gold or are willing to tolerate it seem to me to have decided that monetary management is impossible on an international scale and that we must yield to blind and immutable forces that somehow govern economic destiny. Given the magnificent record of international monetary and economic cooperation we have witnessed in the past twenty years, I refuse to accept the cynical and desperate view that man must turn back to greater dependence on gold.

Let me be unmistakably clear: in my judgment an increase in the gold price would be wholly detrimental to the best interests of both the United States and the international monetary system.

I have been quoted as saying that gold is a barbarous metal. But it is not *gold* that is barbarous; that wasn't my point. Quite the contrary: gold is a beautiful and noble metal. What *is* barbarous, when it occurs, is man's enslavement to gold for monetary purposes.

It is important to sort out clearly just what the role of gold is for the United States and for the world economy. The reserves of the United States are mainly in the form of gold, and the international monetary system has as one of its foundations the convertibility of the dollar into gold at $35 per ounce. There are some who believe that the U.S. balance of payments problem could somehow be solved if we cut the link between the dollar and gold. I believe this view is mistaken. In the circumstances ruling in recent years, the United States would have had a balance of payments problem, whatever form our reserves happened to take—for the deficit in our payments inevitably led to a reduction of our reserves. We cannot attribute the payments imbalance to the link between the dollar and gold. We can't solve the payments problem by either cutting the link with gold or by reinforcing dependence on gold by raising its price.

Monetary history, both within and among countries, reveals a steady progress away from exclusive dependence on gold as a monetary instrument. In very few countries now is gold any longer used domestically for monetary purposes—either as a medium of exchange or as a regulator of monetary policy. Supplements to and substitutes for gold have been developed and have taken over gold's role as a monetary asset.

The same development has occurred internationally, and today gold comprises only a little more than half of world monetary reserves, with foreign exchange (mainly dollars and sterling) and reserve positions in the International Monetary Fund making up the other half. The creation and use of SDR's will permit a continuation of this process by which dependence on gold gradually diminishes over time.

Thus gold, which was the major international reserve asset in the past, will continue to be held and used by monetary authorities. But its importance will gradually decline over time as SDR's supply the major part of reserve growth. This evolution, which recognizes the monetary importance of gold but avoids excessive dependence on it, seems to me to be the only rational course for the international monetary system to take.

CONCLUDING OBSERVATIONS

I do not wish to leave you with a false sense of reassurance. The international economy has been passing through critical times and there are serious problems ahead—in the payments relations between the United States and Europe, and in the payments positions of countries in the rest of the world as the U.S. deficit and Continental European surpluses are reduced. Meanwhile, other economic problems need continuing attention, including an adequate flow of capital from the advanced to the developing nations and an effective use of such capital. We must never forget that monetary matters and institutions are not an end in themselves but a means to the end of satisfactory economic growth and stability.

While avoiding false optimism, I *do* want to leave you with a sense of confidence regarding international monetary problems. A rational and orderly way is discernible through the twin challenges of balance of payments adjustment and adequate growth of international liquidity—a way that takes the Bretton Woods system and the gold exchange standard as a foundation and supplements them as needed with continued international cooperation, on which so much past progress has been based. I have no doubt that our present international monetary system, supplemented and modified gradually over time, can continue to provide a framework for sustained expansion of world trade and payments and, in turn, for uninterrupted advance in living standards throughout the world.

A SENSIBLE PROGRAM FOR AMERICA'S FARMERS

Mr. HARRIS. Mr. President, President Johnson's message on the needs of our farmers and of those Americans living in rural areas of the Nation deserves the support of the 90th Congress.

The President has provided sound leadership in helping the Nation's farm population achieve its illusive goal of parity of income and opportunity with urban America.

Today's message takes a major step toward achieving this goal. President Johnson's seven-point program correctly identifies the farmer's most pressing needs and provides the best remedies for their solution.

This administration has worked hard and diligently to protect the investment of our farmers and to modernize the communities of our rural heartland. Yet we all realize that much more needs to be accomplished before the American farmer's needs are adequately met.

The President has rightly noted that his message today represents "a total program—one for the years ahead as well as for today—through which the American farmer can claim his place and privilege in the life of his Nation."

I commend President Johnson for his sound and realistic assessment of the farmer's needs, and for his sound and realistic proposals to meet these needs.

His guideposts to the continued prosperity of the farmer and for the health and well-being of the Nation are contained in the message Congress received today.

I am certain that Senators will en-

thusiastically respond to the President's urgent requests to help restore progress to America's farmers.

ENVIRONMENTAL QUALITY CONTROL

Mr. JACKSON. Mr. President, late in the last session of Congress, the Senator from California [Mr. KUCHEL] and I introduced proposed legislation designed to establish a national program on environmental quality control (S. 2805). Subsequently, on February 6 of this year, I placed in the CONGRESSIONAL RECORD a summary of the views of a number of eminent individuals and organizations on the type of national programs our Nation needs if it is to effectively deal with the accelerating rate of environmental change and degradation.

The current issue of the Conservation Foundation's newsletter—February 23, 1968—is devoted to a review and discussion of the need for developing intelligent, long-range Federal policies on environmental quality management. I commend the newsletter to the attention of the Senate, because the problem of maintaining the quality of our environment is a matter of critical concern to all of us and, in some respects, is the shared responsibility of at least four or five of the standing committees of the Senate.

I ask unanimous consent that the Conservation Foundation's newsletter be printed in the RECORD.

There being no objection, the newsletter was ordered to be printed in the RECORD, as follows:

IS MANKIND PLAYING A GAME OF ENVIRONMENTAL RUSSIAN ROULETTE?

Of all the dangerous games people play, could it be that the ultimate is environmental Russian roulette? That man, in the mindless destruction of his habitat, is risking his own survival? That he is making himself a candidate for classification as an endangered species?

We have been warned. Dr. Barry Commoner of Washington University believes "continued pollution of the earth, if unchecked, will eventually destroy the fitness of this planet as a place for human life." (1) Dr. LaMont Cole of Cornell University suspects we may be approaching the point at which the rate of oxygen burned in fuel combustion exceeds the rate at which oxygen is liberated in photosynthesis. If that happens, "the oxygen content of the atmosphere will start to decrease." (2)

And even if man escapes self-extinction, there is this reminder from Dr. S. Dillon Ripley of the Smithsonian Institution: "Throughout the history of the world, various nations have risen and fallen in accordance with over-exploitation and deterioration of their resource bases." (2)

While some might question the degree of seriousness or urgency of the threat, it exists. As a congressional committee tells us, "our power to disturb or alter the ponderous forces and rhythms of nature by man-induced manipulations has increased to the point where mistakes or unknown effects may be profound and irreversible." (3)

Admiral Hyman Rickover adds a related commentary: "In the brief span of time—a century or so—that we have had a science-based technology, what use have we made of it? We have multiplied inordinately, wasted irreplaceable fuels and minerals and perpetrated incalculable and irreversible ecological damage. On the strength of our knowledge of nature, we have set ourselves above nature. We presume to change the natural environment for all the living creatures on this earth." (4)

MAN THE GUINEA PIG

How come this mess? What's gone wrong? What's happened to our vaunted science and technology?

Dr. Lynton K. Caldwell of Indiana University explains that management of our environment is "largely the sum of the unplanned, uncoordinated, and often cross-purpose pursuits of individuals, corporations, and government agencies, all seeking their own objectives, and seldom with regard for the cumulative consequences of their actions." (5)

The problem is, of course, that there *are* cumulative consequences. All components of the environment are in delicate, precarious balance with each other. A jolt or pollutant which throws part of the system out of kilter may have unintended, unforeseen and harmful results. As Dr. Rene Jules Dubos of Rockefeller University observes, "modern ecological studies leave no doubt that almost any disturbances of natural conditions are likely to have a large variety of indirect unfavorable effects because all components of nature are interrelated and interdependent." (6)

The problem is further compounded by our lack of knowledge about many of these unfavorable effects. But we nevertheless continue our haphazard, headlong rush through life in the name of so-called progress. "Like the sorcerer's apprentice, we are acting upon dangerously incomplete knowledge. We are, in effect, conducting a huge experiment on ourselves," says Dr. Commoner. (1)

Environmental change is not new, of course. Man has been causing it for centuries. But "what is relatively new is the increasing scale, variety, and speed of the change which modern technology generates," Dr. Donald Hornig, director of the Office of Science and Technology, points out. (7)

With accelerating scientific know-how, proliferating technology, alluring economics, and mushrooming population, we indulge in a free-wheeling ecological laissez-faire. It adds up, in the words of Dr. Roger Revelle of Harvard University, to this: "Man is using his dominance of the earth to produce the most far-reaching, sudden and drastic upset of natural conditions the world has ever seen." (2)

WILL WE GET SMART?

But even if we wanted to heed the warnings, what could we do? Are there solutions?

Dr. Stanley Cain, Assistant Secretary of Interior, suggests that "ecological understanding is necessary to assure that environmental manipulations undertaken for the benefit of man are in fact beneficial." He says "we need synthesis of the information from the many disciplines, we need to attack the systems as a whole." (2)

Senator Henry Jackson of Washington, chairman of the Senate Interior Committee, comments that "for too long government has reacted to environmental crises rather than anticipating and avoiding them. The future will require that more effort be spent on treating the causes, rather than the symptoms of environmental decay . . . Choosing between available alternatives will require that we develop intelligent long-range public policies." (8)

We need, in brief:

1. Extensive research, surveys, and inventories, plus evaluation of ecological interrelationships and consequences of man's environmental manipulations. Theoretically, these functions could be performed by the Interior Department, by other departments and agencies, by all of them, or by a new research body.

2. A top level, independent, prestigious body, free from the daily problems, demands and politics which accompany operating programs, to digest, distill and disseminate all available environmental knowledge, to provide an annual report on the status of our environment, and to be the ranking advisors to the President and to the nation on long range environmental policies and needs.

Several bills now pending in Congress seek to fill one or both of these needs.

In 1965, Senator Gaylord Nelson of Wisconsin introduced a bill (S. 2282) authorizing the Secretary of the Interior to conduct a broad program of ecological research and surveys, maintain an inventory of natural resource management projects, and in general, become an ecological clearinghouse.

In hearings on April 27, 1966 before the Senate Interior Committee, government agencies were uniformly cool to the idea. They noted that on February 8, 1965, President Johnson told Congress he had asked the Office of Science and Technology (OST) and the Bureau of the Budget (BOB) "to recommend the best way in which the federal government may direct efforts toward advancing our scientific understanding of natural plant and animal communities and their interaction with man and his activities." (9) The agency spokesmen thus urged Congress to wait and see what the OST–BOB study would recommend. Agriculture, for example, said that such studies by Interior might duplicate some of its own work.

Nelson reintroduced his proposal on December 14, 1967 (S. 2789), and the following day Senator Jackson and Senator Thomas Kuchel of California introduced a more far-reaching proposal (S. 2805).

Title I of S. 2805 is essentially the same as the Nelson proposal. It authorizes Interior to investigate; to document and define changes in the environment; to inventory all projects affecting it; to collect, disseminate and evaluate ecological information; to encourage public and private agencies to consult with Interior on the environmental impact of proposed projects; and to conduct research within federally owned natural areas. (On the latter point, the Nelson bill would give Interior broad authority over the use and administration of these research areas; would allow it to withdraw them from nonconforming uses, to serve the research needs of all agencies; and would permit it to acquire lands for experimental purposes.)

Both bills state that Interior shall have no authority over other agencies' authorized programs, and shall seek to avoid duplication of effort. (Note: At hearings on Nelson's bill in 1966, Assistant Secretary of the Interior Cain said he thought Interior was an ideal choice for gathering and collating ecological information, but *not* to exercise oversight for the government. "I don't know of any agency that would stand still for Interior coordinating its efforts," he said.)

A "BOLD STROKE" SUGGESTED

Meanwhile, a further concept—beyond research—evolved. CF President Russell E. Train, for example, proposed in 1965 that the President establish a Council of Ecological Advisors. "Let me make it clear," he stressed, "that I am not just talking about an interdepartmental committee. With one such bold stroke, concern for the quality of the environment would be given an important new status in planning and policy making at the highest level of government. It would give ecology a new posture in public affairs, and a new sense of responsibility for making its knowledge applicable and relevant to the practical needs of our day." (10)

Later, during the 1966 hearings on Nelson's bill, Train testified that while Interior could well handle the ecological research called for by the bill, "the primary problem is that of interagency relationships" and the "best solution" for that problem is to take it out of the "traditional resource departments" and put it in the "'Executive Office of the President." (2)

Footnotes at end of article.

He explained that CF was concerned with the "appraisal of major federal programs from an ecological standpoint." He said "a judgment independent of the operating agencies should be brought to bear in much the same fashion that the Budget Bureau brings an independent judgment to bear."

A similar idea was expressed by an HEW task force on the environment in 1967. Voicing concern that nowhere in government is there the "capability of making the enlightened assessments of policy affecting the environment as there are assessments of policy affecting the economy," the task force recommended that the President seek congressional authorization to establish a Council of Ecological Advisors for these purposes:

"To provide an overview, to assess activities in both the public and private sectors affecting environmental change, and to act in an analyzing capacity; to be in a commanding position to advise on critical environmental risk-benefit decisions; and finally, to be instrumental in the shaping of national policy on environmental management."

It is of the "utmost importance," the task force said, that the President have the "constant, well-informed advice and program coordination" which such a council would provide. (11)

The concept of a high-level council was put into the legislative arena by Congressman John Dingell of Michigan. On March 23, 1967, he introduced a bill (H.R. 7796) to set up a Council on Environmental Quality. Then on September 28, 1967, Congressman John Tunney of California proposed a similar Council of Ecological Advisors (H.R. 13211).

And finally, Title II of the Jackson-Kuchel bill (S. 2805) calls for a Council on Environmental Quality to be appointed by the President, with the consent of the Senate. Section 202 of the bill declares, in part:

"a. The primary function of the council shall be to study and analyze environmental trends and the factors that affect these trends, relating each area of study and analysis to the conservation, social, economic, and health goals of this nation. In carrying out this function, the council shall:

"(1) Report at least once each biennum to the President on the state and condition of the environment; (2) provide advice and assistance to the President on the formulation of national policies to foster and promote the improvement of environmental quality; (3) obtain information using existing sources, to the greatest extent practicable, concerning the quality of the environment and make such information available to the public.

"b. The council shall periodically review and appraise new and existing programs and activities carried out directly by federal agencies or through financial assistance and make recommendations thereon to the President.

"c. It shall be the duty and function of the council and the Secretary of the Interior to assist and advise the President in the preparation of the biennial Environment Quality Report" which the bill requires the President to submit to Congress every two years.

As some proponents view it, the council should be able to sound the alarm on any project, proposal, or policy void which poses a threat. It should take a broad overview but have no hesitancy in spotlighting specific problems. It should be completely free to pursue its own lines of investigation and make recommendations. As proposed, council members would serve at the pleasure of the President. There's some thought that the council's freedom of action would be enhanced if the members were named for set, staggered terms.

TO WIN FRIENDS AND INFLUENCE PEOPLE

None of the bills would give the council any power to enforce its recommendations. The council would have no veto power over programs of any department. But even without such power, a council could wield considerable influence. It could set guidelines for overall policy which would enable and encourage all government and private agencies to apply broad environmental criteria and to examine all alternatives in the formulation of programs and projects.

With high status in the Executive hierarchy, outside the mission-oriented, program-operating departments and agencies, and with the support of the President, the council could become a powerful force for ecological awareness within and without government.

Some believe the council should be composed of conservationists, planners, landscape architects, and representatives of industry, labor and agriculture, supported by a core of independent professionals. The Tunney bill, for example, calls for a nine-member council, to include representatives of "science, industry, and major areas of ecological and environmental concern." They would work for the council part-time, at $100 per day.

While a large and varied membership might provide a platform for many points of view, the labored consensus-seeking of such a group might prevent it from ever exerting any real influence. A national environmental policy cannot be nourished on a bland diet of lowest common denominator food for thought.

Thus others favor a small but prestigious group of full-time experts—akin to the three-member Council of Economic Advisors. The Dingell bill calls for three "exceptionally qualified" members on a Council on Environmental Quality. The Jackson-Kuchel bill proposes a five-member Council on Environmental Quality, to be named by the President, with each "professionally qualified to analyze and interpret environmental trends of all kinds and descriptions" and each "conscious of and responsive to the scientific, economic, social, esthetic and cultural needs and interests of this nation."

In the final analysis, the council's success would depend on the men named. If staffed with members commanding the "highest national prestige and respect," as CF's Dr. Raymond F. Dasmann notes elsewhere in this issue, it could succeed. But as he also observes, the council "is no place for the stormy petrels of conservation or the grinders of special interest axes." Neither is it any place for the political or scientific hack, paid off for some past favor.

Another possible solution is for OST itself to assume the task of providing an overview. Indeed, it has already set up an inter-agency Committee on Environmental Quality. But with a main role of "technical coordination," its focus is admittedly limited. OST received so many inquiries on problems beyond its responsibility, according to Hornig, its director, that the President's Science Advisory Committee (a group of outside scientists staffed by OST) plans to establish a continuing panel on the environment to maintain an overview, identify problems and keep the President advised. (7) The question is whether such a panel would have the influence and prestigious membership of an independent council.

GRIST FOR THE COUNCIL'S MILL

The problems which need to be placed in the lap of a council are numerous, important and staggeringly complex. A few examples illustrate our lack of knowledge and foresight:

We release carbon dioxide into the air in great quantities—faster than it can be used up by plants or dissolved into the oceans. But we know so little about this cycle and its possible drastic effects on the climate that some scientists predict a melting of the ice cap and flooding, while others forecast another age of glaciers.

We look to nuclear power plants to give us more electricity and a quick cure for air polluting coal and oil burning generating plants. But we don't know what the new and larger dose of thermal pollution from nuclear plants will do to the life cycle of our waterways.

We are moving toward modification of weather, but are still hazy as to what this might do to our environment.

We build a Welland Canal, but we later discover that it lets sea lampreys into the Great Lakes with disastrous effects on fisheries and beaches.

We don't begin to know the environmental consequences of population growth and urban congestion. As C. H. Waddington, former member of the United Kingdom Advisory Council on Science Policy, puts it: We don't know "how to measure the neurological situation resulting from commuter stress, noisy or polluted environments, excessive sensory stimuli, or the other factors of modern living which lead to 'nervous exhaustion'." (12)

What are the relationships between the quality of human life—employment, housing, health, recreation, etc.—and how we manage our natural environment?

We freely use poisonous pesticides and fertilizers, which wash through the soil into ground and surface waters. But we know far too little about their long-range effects on the soil, fish, wildlife—and man. And we are quite unclear as to where these substances eventually become deposited, and with what results.

We replace hard, non-biodegradable detergents with soft detergents, to get mounds of foam out of our rivers and lakes and sewage treatment plants. But we later discover that the new compounds may be killing large numbers of fish by attacking their eggs.

It's obvious that independent evaluations on these and a host of other problems are needed and would be beneficial. While there can be no guarantee of unerring wisdom, of course, the injection of ecological awareness and independent environmental evaluations into policy making and management of our resources would be wisdom enough.

Furthermore, a byproduct of the council's leadership could be to keep alive ecological issues which are sometimes smothered in inter-agency feuds. Environmental responsibilities are fragmented among innumerable departments, bureaus, agencies, and commissions of government. Each has its historical jurisdiction, its specific expertise, its ingrained biases—right or wrong—and its own clientele or constituency.

The insights which an environmental council could provide would in no way diminish the value of the myriad techniques, already used to achieve cooperation and coordination—interagency agreements, interdepartmental committees, commissions, and the few coordinating relationships required by law. The environmental council would be above the firing line. It would not be a competing party with an operating program, with a vested interest. The information gathered and disseminated by the council could, however, help operating agencies make wiser decisions.

ECOLOGICAL COMING-OF-AGE

More consideration is already being given to broad environmental factors in several federal agencies. (See Page 7.) Government and the public are becoming more concerned with the environment. As William Van Ness, Senate Interior Committee staff member, noted in a recent report, there is increasing recognition that "the market system does not always arrive at the best possible decisions," that "environment-affecting goals in our society have often been inconsistent, incoherent and contradictory," and that "the sum total of environmental actions must at some level of government be assessed and evaluated in qualitative terms." (13)

Within the Senate itself, in addition to

Footnotes at end of article.

the Jackson-Kuchel and Nelson proposals, Senator Edmund Muskie of Maine has proposed (Senate Resolution 68) the creation of a 15-member Select Senate Committee on Technology and the Human Environment. It would have no jurisdiction over legislative proposals, no powers of legislative oversight. Instead, it "would provide a central forum for considering the public policy implications of scientific and technological developments as they relate to the individual and his environment," as Muskie explained. (14)

On the House side, the subcommittee on Science, Research, and Development of the Committee on Science and Astronautics has already held several days of "investigative" hearings this year on the status of research on environmental pollution, and on how the federal effort should be managed and coordinated. The subcommittee has held similar hearings in the past in its search for "greater insight into the undesirable side effects of man-made changes in our world," as Representative Emilio Daddario of Connecticut, its chairman, has explained. (15)

Soon no self-respecting or status-respecting member of the President's cabinet will dare be without his own environmental advisor. Congressional committees which handle environmental legislation might even establish a chair for a resident ecologist.

Few would argue with such ecological coming-of-age. It's overdue.

Whatever steps might be taken in government, there is also sentiment that a nongovernmental organization is needed too—one which would be to the environmental field what the Rand Corp. and the Institute for Defense Analyses are to the military. Such an environmental think tank could marshal all the facts, bring its expertise to bear on ecological problems, and assess the long-range implications of our actions without any institutional bias. It could greatly extend the capability of Interior or any other agency.

Both Dr. Gilbert F. White of the University of Chicago, and the National Academy of Sciences, for example, have suggested a kind of "resources intelligence agency," an independent organization to "cultivate the highest degrees of perceptiveness and sensitivity so as to be able to feel the pulse of the ecosystem, as it were, and to register and assess incipient developments before they have reached critical dimensions." (16)

PROBLEMS AND PROGNOSIS

Public attitudes are involved, of course. Government agencies, Congress, the private sector—all reflect the habits, influences and values of our aggressive, technological society. We have a heritage of economics and exploitation—not ecology. Priorities are traditionally set between dollar signs. Progress and a better life are equated with more and more buildings, cars, gadgets.

Dr. F. Raymond Fosberg, special advisor to the Smithsonian Institution, says our habits are grounded in the American people's seeming "child-like faith that the apparently impossible problems that face us will be solved by science." (2)

And there is the ingrown pioneer spirit which, combined with our traditional overabundance of natural resources, equals exploitation. Caldwell put it this way:

"It is not to be wondered that the man who, when trying to wrest a living from nature after the fashion which three centuries of American history found good may explode in frustrated, uncomprehending outrage at the suggestion that he is selfishly exploitive. The pioneer with ax and gun and plow is still revered in American folklore; it is difficult for those who would emulate his psychology today to see themselves, at best, as anachronistic and, at worst, as destroyers of the national heritage."(5)

Within this setting, what are the chances that Congress will take remedial action and enact legislation to provide ecological research and to create a high level, independent body of environmental advisors to the President?

No one can now predict the form of the legislation, if any, that might emerge from Congress. But the necessary public discussion, debate and analysis of needs have started.

Staff studies are already underway in the Senate Interior Committee in preparation for hearings on the proposed bills. (Jackson is chairman and Kuchel is ranking Republican member of the committee.) In the House, Daddario's subcommittee is expected to continue its hearings some time after Easter, with consideration of specific bills, such as those proposed by Tunney and Dingell. Both Daddario and Representative George P. Miller of California, chairman of the full committee have indicated concern for broad environmental considerations.

While budget sensitivity abounds in the administration and in Congress in these days of limited funds for domestic programs, fortunately none of the pending council proposals involves a large price tag. (A useful guideline: estimated total spending by the Council of Economic Advisors this year is $861,000.)

A bigger problem is that the idea may simply not generate much enthusiasm in Congress and that the departments may be lukewarm, as they were in 1966 when they said they would prefer to wait for the BOB–OST report to the President.

Although ordered in early 1965, the report wasn't sent to the President until the end of 1967—and then, reportedly, only after much agonized hand wringing and rewriting. As of this writing, the report is still under wraps. There is speculation that some of its recommendations might surface in a special Presidential message—anticipated any day—on the environment. There are also indications of growing uneasiness and sensitivity within the administration that its slogan "natural beauty" is being interpreted by some as a superficial cosmetic approach to environmental ills—that the slogan is being used in an attempt to bury environmental disease under layers of surface treatment and words.

At any rate, it is clear that vigorous, spirited leadership is needed for enactment of pioneering legislation. The President himself could supply this leadership, obviously. It would be a logical extension of his philosophy and public record on resources and environmental issues. He could set up his own ecological advisory committee, without congressional action, some observers note. But they point out such a committee would doubtless lack the prestige it warrants—and that it would not gain the President any political points in Congress.

Perhaps the key factor in the political equation is the public. From a variety of interviews and discussions with agency and congressional sources in Washington, it seems clear that action by Congress is unlikely without considerable public focus and expressions of support for action.

We've had warnings of man's dangerous mishandling of his environment from some scientists, some public officials, segments of the press, some spokesmen for conservation and other citizen organizations. But despite these warnings, the necessary public awareness of the seriousness of the problem does not yet seem to exist. Education and time are necessary ingredients of the legislative process, to be sure.

But do we have time? No one really knows. What is known is that we have had ample warning of the dangers of waiting too long.

AN ECOLOGIST LOOKS AT S. 2805

We asked Dr. Raymond F. Dasmann, an ecologist and CF's director of environmental studies, to comment on S. 2805, the Jackson-Kuchel bill. His statement:

"We have become used to coping with the winds of change, but we are about to be caught in a hurricane of change if our 200 million Americans become 400 million in the next five or six decades, and as our rapidly moving pace of technological advancement begins to be used more extensively to modify the environment to cope with the problems of growth. What we do now in preparation for this hurricane will determine when and to what extent its fury may be abated, and what we will have left when it blows over. S. 2805 represents an attempt at cloud seeding in advance of the storm. It also represents an effort to establish better shelter for the things we value.

"The American environment represents a unit. Man has tied together its most remote parts in an intricate web. Decisions in Washington determine conditions of life everywhere. The environment is unified, but our treatment of it is fragmented by political subdivisions and the delegation of partial responsibility to thousands of separate agencies. In the face of this disunity we seem at times powerless to arrest environmental deterioration. Consequently there is a need for a new approach. The Jackson-Kuchel bill on environmental quality control represents a strong beginning.

"In general, the work called for in Title I is badly needed since it is not being done. Many agencies are concerned with various parts of the environment on various categories of lands; none is responsible for the whole picture. We need to have a continuing review of the status of our environment and the processes of change if we are to identify trouble spots before a crisis develops. It is almost impossible to obtain such a total picture today.

"Title I falls short in not calling specifically for the creation of a new office or bureau concerned with ecological surveys. Interior already has the authority to do most of the things authorized by this act, and is doing many of them. There is some danger that the various duties would be spread out among several agencies and not centralized. We need a centralized office concerned with the total picture. I think this is implied in the act, but not spelled out. Interior should not only maintain an inventory but should evaluate the ecological consequences of these development projects. An inventory by itself is not of much use.

"Title II calls for action that is seriously needed. There is no government agency at present with a responsibility for the total environment. Each is concerned with a segment, an area, or a process. Coordination of concern conceivably could come from committees, but in fact it often does not. Consequently the policies of federal agencies often tend to be limited in purpose, but the implementation of these policies results in effects throughout the American environment. We have seen many examples of controversies among federal agencies which could well have been avoided had there been a sufficiently prestigious group to render an opinion with which the conflicting agencies would feel the need to conform. A national body such as the proposed Council on Environmental Quality could do a great service by presenting an impartial opinion on such controversies.

"Since the council would have no administrative authority or veto power it can only succeed if it is staffed with members who command the highest national prestige and respect. It is no place for the stormy petrels of conservation or the grinders of special interest axes. Its opinions must carry weight; it must act in the knowledge of all available evidence.

"The functions of the council should include the identification of areas and subjects on which federally sponsored research is needed, and the recommendation to the President that such research be instituted and supported. This is recognition of the fact that on many environmental matters we do not

Footnotes at end of article.

yet have the knowledge necessary to provide a basis for opinion or action."

ON ONE BIG SUPER-DEPARTMENT OF NATURAL RESOURCES

The often made proposal to create one big department in the federal establishment to coordinate and control natural resources management has obvious ecological overtones. As early as 1924 it was suggested that Interior be reorganized to encompass all natural resource and public works responsibilities. In 1937, a similar Department of Conservation was proposed. In 1949, a minority report of the first Hoover Commission repeated the suggestion that Interior be turned into a Natural Resources Department. Senator Frank Moss of Utah introduced a bill that would do so just last year (S. 886).

All such proposals have so far run into formidable political opposition and have not gotten anywhere. They arouse the wrath of federal resource agencies, special purpose users of resources, and members of Congress. Even if the obvious political obstacles could be overcome, large questions about one big super-department would remain: Would it be manageable or an administrative monstrosity? Would it help? We leave these questions for possible consideration in a future issue of *CF Letter*. But it would appear that one or a dozen operating departments would not eliminate the need for an independent, objective environmental overview by a body not concerned with day to day programs, politics and decisions.

FOOTNOTES

(1) *Science and Survival,* Viking Press, 1963. (2) Testimony before Senate Interior Committee hearing, April 27, 1966. (3) Report of House Science, Research and Development Subcommittee, November, 1966. (4) *CF Letter,* June 13, 1966. (5) *Future Environments of North America,* published for CF by Natural History Press, 1966. (6) *Environmental Improvement,* Agriculture Department Graduate School, 1966. (7) Testimony before House Science and Research Subcommittee, January 17, 1968. (8) Speech to American Institute of Biological Sciences, August 28, 1967. (9) Natural Beauty message to Congress, February 8, 1965. (10) Speech on September 6, 1965. (11) Report of HEW Task Force on Environmental Health and Related Problems, June 1967. (12) In review of U.S. science policy by Organization for Economic Cooperation and Development, soon to be published. (13) Congressional Record, vol. 113, pt. 27, p. 36857. (14) Statement to Senate Government Operations subcommittee on intergovernmental relations, March 15, 1967. (15) Statement at July 20, 1966 hearings. (16) *Renewable Resources,* National Academy of Sciences, 1962.

WHAT IS THIS THING CALLED ECOLOGY?

"Ecology is the science that deals with the relations between all of the elements in an environment—the ecosystem. It rests upon all of the biological and physical sciences—botany, zoology, chemistry, physics, geology, soil science, meteorology, etc., with their innumerable ramifications—and when man is a part of the environment, the social sciences are also involved. Its distinguishing characteristic is that it uses these sciences in their relations to each other to determine what happens in a given environment, under both natural and modified conditions, and why it happens. In comprehensiveness and complexity, it is unique."

Dr. SAMUEL T. DANA,
Dean Emeritus, University of Michigan, School of Natural Resources.

INEXORABLE LAWS

"All vainglory to the contrary, man cannot conquer nature. We are a part of nature, bigger and more noisy and destructive than a mouse, but subject to the same inexorable laws. When the good water is gone, the good soil covered or wasted, the good air tainted, we shall surely perish. This has happened in many times and places.

"We now send food to peoples whose ancestors failed to realize that without soil and trees on the hillside the town in the valley dies, without recognizing that we ourselves are busily engaged in emulating the ancient error."

Dr. M. GRAHAM NETTING,
Director, Carnegie Museum.

LET'S HAVE ONE

Everyone's getting into the ecological act. Both Interior and the Smithsonian Institution have a new Office of Ecology. (And both were chided by Congress for setting them up without specific appropriations committee approval.) The Corps of Engineers established an environmental planning branch about a year ago.

The National Academy of Sciences and National Academy of Engineering last year established a nine-member Environmental Studies Board. It was roundly criticized for having a heavy representation from industry, but not a single ecologist. The president of NAE, Eric Walker, reportedly said he was unaware of any complaint and was agreeable to having an ecologist—"Sure, let's have one," *Science* magazine quoted him as saying. The magazine also quoted Dr. LaMont Cole: "The National Academy doesn't know enough about ecology to know how ignorant it is."

A FEDERAL PROGRAM FOR AREAWIDE DEVELOPMENT GRANTS

Mr. McGEE. Mr. President, to help our communities provide the public facilities they need and want, at the lowest cost to all taxpayers, President Johnson has recommended the establishment of a program of areawide incentive grants.

Our communities, both large and small, are faced with increasing demands for public facilities of all kinds—and are increasingly unable to meet these demands on their own. Coordinated efforts to provide a needed service—a library, an airport, a water system—for an entire area are not only financially desirable but financially imperative.

Only by cooperating to support jointly the construction of such facilities on an areawide basis can our towns and cities remain financially stable.

The Federal Government is proposing to encourage and aid such cooperation by this program of incentive grants, to provide additional funds for projects designed to have an impact on an entire area. The projects eligible for help are those most needed and most conducive to orderly community and areawide development.

They include such basic requirements as water systems and sewer lines for healthy, pollution-free living in the growth areas of the Nation; medical facilities to serve the needs of the sick and elderly, including hospitals, nursing homes, and extended care facilities; cultural facilities such as up-to-date libraries to meet the growing demands of our population for more information on more subjects; recreational facilities such as parks and community centers that enhance the quality of our everyday lives in so many ways.

By curbing the tendency toward unplanned, wasteful, duplicative public facilities, this program would make the taxpayer's dollar worth more—an objective to be sought most seriously at all levels of government.

THE PRESIDENT'S REORGANIZATION PLAN FOR URBAN TRANSPORTATION IS AN ESSENTIAL STEP

Mr. PELL. Mr. President, I wish to express my strong support for the proposal made by President Johnson to transfer the urban mass transportation program from the Department of Housing and Urban Development to the Department of Transportation.

I have had a close relationship with the new Department of Transportation—particularly with the high-speed ground transportation program, which I am proud to have helped initiate. I have done everything possible to bring about the development of a program which will provide a rapid rail transportation system along the eastern seaboard of the United States. Within a very short time I expect to see the beginning of passenger service between Boston and New York and New York and Washington, utilizing the very latest rail technology. It is my deep belief that this intercity rail effort, along with all other facets of surface transportation, cannot be separated from the intracity transportation program we now have underway and which we hope to see develop within the near future.

We are a nation of cities. Obviously the key to the needs of most of our city dwellers can be found primarily in their requirements for better transportation inside the metropolitan areas in which they live. But most of them, for reasons of work or recreation, require transportation outside the confines of the urban areas. I believe that the plan for meeting both of those needs should be concentrated in one Federal unit. A short time ago this Congress did focus Federal responsibility for the Nation's transportation system in the Department of Transportation—with the exception of the maritime and urban transportation programs. The President's new proposal would bring under one roof all but the maritime program.

This is an essential step and one which I believe deserves the support of the entire Congress. It will remain for the Department of Transportation to insure that the new modal administration will have a truly equal voice in the planning and execution of a balanced and rational national transportation policy.

NORTH DAKOTA WILDLIFE FEDERATION CALL FOR INTERNATIONAL CONFERENCE ON WILDLIFE CONSERVATION

Mr. YARBOROUGH. Mr. President, in convention on January 20 and 21, 1968, the North Dakota Wildlife Federation passed a resolution calling for the adoption of Senate Concurrent Resolution 41, for the convening of an international conference on the conservation of wildlife. I submitted this resolution in Au-

gust 1967, and it is awaiting action. It should be acted on quickly, because the situation calls for immediate attention and immediate action.

As noted in the resolution adopted by the North Dakota Wildlife Federation:

Some 250 species of wildlife are presently endangered through poaching for commercial purposes or environmental changes brought about by man.

This is one situation which such a conference can seek to eliminate, and one which must be acted on before it is too late. Man, who is responsible for the danger to our wildlife, must take on himself the responsibility of saving it from destruction. The United States would do well to take the lead now in the field of growing concern for the whole world.

Mr. President, I ask unanimous consent that Resolution 18, adopted by the North Dakota Wildlife Federation convention, be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

No. 18—WORLDWIDE CONFERENCE FOR CONSERVATION OF WILDLIFE

Whereas, Senate Concurrent Resolution 41 calls for the United States Secretary of State to initiate procedure to convene, after consultation with the United Nations, a worldwide conference aimed at preservation of endangered species, and

Whereas, some 250 species of wildlife are presently endangered through poaching for commercial purposes or environmental changes brought about by man, and

Whereas, such a conference is long overdue,

Now therefore it be resolved by the North Dakota Wildlife Federation in annual meeting this 21st day of January, 1968 that this organization urge that proper steps be taken to convene such a conference.

Be it further resolved that copies of this resolution be transmitted to Senater Ralph Yarborough of Texas, author of Senate Concurrent Resolution 41, to Congressman Henry S. Reuss, Wisconsin, who introduced a like resolution in the House, to the North Dakota Congressional delegation, to the United States Secretary of State and to the National Wildlife Federation.

LITHUANIAN INDEPENDENCE DAY

Mr. ALLOTT. Mr. President, last week we observed two very important anniversaries in the history of Lithuania. It was the 717th anniversary of the formation of the Lithuanian state and it was also the 50th anniversary of the founding of the Republic of Lithuania in 1918.

As a member of the honorary committee of the Americans for Congressional Action to Free the Baltic States, I should today like to pay tribute to the gallant people of Lithuania, who unfortunately for them and the world are enslaved by the Imperialistic forces of communism.

The same tribute is equally deserved by Estonia, which celebrated its independence anniversary last Saturday.

In 1966, the Senate and the House expressed their viewpoint on the current status of the enslaved nations. I believe that it would be well for the Members of Congress to review that document on this important anniversary.

Mr. President, I ask unanimous consent that House Concurrent Resolution 416, of the 89th Congress, second session, be printed in full in the RECORD.

There being no objection, the concurrent resolution was ordered to be printed in the RECORD, as follows:

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development; and

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

SPARTAN SOLDIER GETS SHOWER

Mr. HOLLINGS. Mr. President, recently the Spartanburg, S.C., Journal published an article entitled "Spartan Soldier Gets Shower." The subject of the article was Sgt. Doyle B. Allison, a Bronze Star winner, who is currently serving in Vietnam.

I think that some of the cogently expressed views of Sergeant Allison concerning his thoughts on the war will be of interest to the Members of the Senate. I ask unanimous consent that the entire article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SPARTAN SOLDIER GETS SHOWER

(By Glen W. Naves)

"There is no country like ours and the freedom we have."

This is the reminder from Sgt. Doyle B. Allison, writing recently from Vietnam to thank neighbors on Rice Rd., Rt. 6, for a Christmas card shower.

Sgt. Allison, awarded the Bronze Star last year for heroism in Vietnam where he is still on duty, is a veteran of two wars and 19½ years Army service.

Writing to Mrs. J. G. Shelley, Rt. 6, he said, "I want to thank you very much for the nice Christmas card. I received so many from the good people on Rice Rd., if you would, I wish you would thank all of them for me."

The Sergeant emphasized the "warm" feeling he and his comrades experienced in "knowing that so many people are thinking of you."

Each time he received a card, he said, he "passed it around" for his comrades to read.

"We received boxes and cards from people we had never heard of or seen," his letter continued.

"It didn't seem like Christmas over here. Some of the men got trees and decorated them. There were no kids we could give the candy to."

Sgt. Allison told Mrs. Shelley that he was writing from a major combat area.

Christmas Day was quiet in his area, he said, but on New Year's Day "we had nine men killed and over 150 wounded" while "the V. C. (Viet Cong) lost over 300 killed.

"War," he said, "is so hard to understand sometimes, but I guess we will always have them. This makes two wars for me (including his service in the Korean Conflict), and since I've been in the Army almost 20 years. I have been all around the world and there is no country like ours and the freedom we have.

"All these men will never forget the cards we received on Xmas from the people back home, so thank you again.

"Your neighbor away from home,

"Sgt. Doyle Allison."

In a letter to The Journal, enclosing Sgt. Allison's letter, Mrs. Shelley said, "just before Christmas a lot of his neighbors" sent the Christmas cards. "The enclosed letter from him speaks better than I could write. He asked me to thank all the people on Rice Rd. and in this community who wrote to him. Could you find space to "copy his letter so they will all know how much he and his men appreciated the cards. Mrs. Allison said her husband is in the spot where a lot of the fighting is taking place. I feel sure he'd like to write each person but he does not have the time as his letter says they are in the field."

Sgt. Allison received the Bronze Star for his heroism as leader of a night ambush patrol when he exposed himself to enemy fire while obtaining help for wounded troops. In addition to serving in Korea, he was a drill sergeant at Fort Polk, La., and spent four years on Okinawa and three years in Austria and Italy before being transferred to Vietnam early last year.

His wife Marjorie and their three children reside on Rice Rd.

FAVORABLE IMPRESSION OF JOB CORPS PROGRAM

Mr. MONDALE. Mr. President, in 1964, when the poverty program was established by Congress, there was much skepticism on the part of the public. However, as people have become more acquainted with the activities of the Office of Economic Opportunity, this skepticism has been transformed into support.

This is particularly true with the Job Corps program. Recently, Mr. Stan Roeser, of the Litchfield Review, of Litchfield, Minn., wrote a story about a visit of the Tamarack Job Corps students to Litchfield. His story is a moving endorsement of the program: further, it reflects the viewpoint of a person who was not a supporter of the program before the visit.

Mr. Roeser was indeed impressed with the young men from the center and was pleased to find a group of "clean-cut, well-dressed, courteous young men" and not the hoodlums he had expected. He was particularly enthusiastic about the

change in motivation that these young men had experienced as a result of their stay at Tamarack. To quote from his article:

Except for Job Corps training they'd probably be lolling on the street corners of their respective communities providing a ready spawning ground to the inciters of lawlessness and riots.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Litchfield (Minn.) Independent Review]

LITCH

It's so easy to do, and I've been guilty of it many times.

When some facet of the poverty program is mentioned, even if I don't really know much about it, I'll smile a knowing smile and make some vague and disparaging remark about "spending the taxpayers' money."

Like so many other, I've become infected with an attitude which labels all the activities under the aegis of the poverty program as simply a waste of the taxpayers' dollars, an attitude which I'll admit is grossly unfair.

I haven't taken much time to become informed on what's going on in the program except for reading a few newspaper accounts citing incidents of flagrant misuse of funds.

Locally I feel that the guy that sits behind this typewriter hasn't done a very good job—partly for lack of time perhaps—but partly too for lack of inclination—in covering what the poverty program is doing in Meeker County.

This is mostly my fault, although I've made a few overtures in the direction of local poverty program officials about doing stories and haven't met with what you could call eager response.

I should have pushed a little harder to get stories, and perhaps poverty program people should have been a bit more eager to have the story of their programs told.

Relative to all this was the visit of some 30 Job Corps members from the Tamarack Job Corps Training Center near Detroit Lakes, to Litchfield this week end.

Somewhere in the back of my mind I've had the Job Corps lumped with all other poverty program activities—as simply the ineffective spending of the public's moneys.

When the Meeker County Human Rights Council announced plans to have the Job Corps members visit Litchfield, I had visions of a group of ill-bred, unkempt hoodlums descending on our town.

I was at Zion Church Saturday afternoon when the Job Corps members arrived and what I saw was a group of clean, well-dressed, courteous young men.

They were unsophisticated certainly, and you could even call these men simple without being derogatory, but there didn't appear to a smart aleck in the bunch.

They were young men who obviously needed assistance, and who also are obviously extremely appreciative of what is being done for them.

I was surprised when a teacher at the Job Corps Center, who accompanied the group here, gave a short talk pointing out that many of these young fellows had reading skills which were at about the level of the average first grader when they arrived at the Job Corps Training Center.

All, of course were school dropouts, and without additional training, had only a lifetime of utter hopelessness and frustration ahead.

At the Job Corps Center they learn to read and write, developing these skills at their own pace, and they're also taught basic skills in carpentry, mechanics, welding or other trades to lay the groundwork to enable them to become useful, job-holding citizens.

The almost child-like simplicity and sincerity of these young men was evident when they grouped together to do some choral singing.

By artistic standards, the singing was atrocious, but they sang with such pride and spirit, and with such a sense of accomplishment in being able to read and enunciate clearly, that a listener couldn't help but share with them an appreciation of their struggles.

The youths came from the streets of urban centers like Baltimore and Grand Rapids, Michigan and Springfield, Illinois and Atlanta and Richmond.

Except for Job Corps training they'd probably be lolling on the street corners of their respective communities providing a ready spawning ground to the increase of lawlessness and riots.

For me, and we're sure for the families who were hosts to the Job Corps members over the week end, this phase of the poverty program has taken on new meaning.

Here's one aspect of the program where, it seems to me, our tax dollars are certainly being well spent.

TAX ABUSE AND MORAL VALUES

Mr. PROXMIRE. Mr. President, the distinguished editor and publisher of the St. Petersburg, Fla., Times, Nelson Poynter, recently wrote an excellent essay on the deleterious effect of our loophole-ridden Federal income tax code on the moral values of our Nation's citizens. He points out that the loopholes encourage an "if-he's-getting-his-why-shouldn't-I-get-mine" attitude. This, Mr. Poynter says, is undermining "the morality of otherwise honest citizens and institutions that represent the last bulwark of American integrity."

I ask unanimous consent that Mr. Poynter's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAX ABUSE AND THE DEGENERATING MORAL VALUES

(By Nelson Poynter)

When President Johnson submits his message on tax reform to Congress, it will disappoint those who have given the subject most study.

More than 50 years of lobbying and political horse-trading have evolved an income tax structure so riddled with loopholes of special privilege that it undermines the morality of otherwise honest citizens and institutions that represent the last bulwark of American integrity.

Sen. Russell B. Long, who is chairman of the powerful Finance Committee says "1968 just does not seem to be the year" for tax reform. From a practical viewpoint, he is right. But it's the year when it might become a major issue in the political campaigns. Debate on reform can be good politics—and honest politics.

About 100 million people will have filed tax returns by the middle of April. Meaningful tax reforms would affect the special privileges of 2.2 per cent who have adjusted incomes of $20,000 a year or more. "Adjusted" means that most of them have incomes higher than $20,000. But the real impact would hit only 37,000 taxpayers with "adjusted" incomes of $100,000 a year or more.

Many of them pay no tax on large chunks of income from state and local bonds or escape high taxes via capital gains, depletion allowances of many varieties, preposterous charity allowances and tax-free foundations.

The result over the years is a degenerating set of moral values whereby people say, "He's getting his and I'll get mine." The tax-free foundations, and gimmickry in gifts to churches and educational institutions, corrupt the beneficiary as well as the giver. Amendments will take a half century to undo, the present pattern. Only wholesale elimination of loopholes—and tax reduction which then would be feasible—can stem the tide of special privilege in direct conflict with our democratic institutions.

The inflationary effect on the economy of such loopholes is generally overlooked in discussions which many regard as indelicate. Fat grants to educational institutions from tax-free havens enable them to hire some of the best minds from the government.

Salaries are then raised to unnatural levels by industry, then government must raise salaries again to hold its best people. As a result of high rates, extravagance is rampant with individuals and corporations. The loose excuse is that "the government will pay most of this cost—or loss."

The airline mechanic then justifies his demand on the privilege and extravagance he sees in the executive suite. The mechanic in the sanitation department then wants parity with the air mechanic, and the teacher says he ought to get as much as the men who man the garbage trucks in New York.

The refrain goes round and round. Young men fail to enter the ministry because they want their children to have a good education and not wear the second-hand clothes of their parishioners. Dedicated nurses, police and firemen strike, or just decide not to work, when they see others with fewer skills and easier jobs getting more "adjusted" income.

This may not be the year for tax reform but it's a good year to bring abuse into the open. Men like Henry Reuss of Wisconsin in the House, Albert Gore of Tennessee and William Proxmire of Wisconsin in the Senate can keep exposing the facts and figures until a minority in Congress becomes a majority big enough to restructure our entire federal tax system. It can yield more money at lower rates and have enough left over to return billions of dollars to state and local governments.

A simplified federal system can collect the greatest amount at the lowest cost. The individual will be more cheerful with his simple tax form if he is secure in the knowledge that he's not a patsy to pay while others escape. The clergy and educators can turn their minds to their primary jobs instead of becoming experts in unjustified deductions, wills and trusts.

The subjects of crime in the streets, national morality, and corruption will batter your eardrums from now until November. Most of what's wrong here and the rest of the world will be blamed on Lyndon Johnson.

Perhaps the big blemish on the American tax return might be a good starting point for the debates ahead.

ADDRESS BY GEN. HUGH P. HARRIS, PRESIDENT, THE CITADEL, SOUTH CAROLINA'S MILITARY COLLEGE

Mr. HOLLINGS. Mr. President, on February 22, Gen. Hugh P. Harris, president of The Citadel, South Carolina's military college, was the featured speaker at the 161st anniversary dinner of the Washington Light Infantry. I was pleased to be in attendance, and I particularly enjoyed General Harris' remarks. They were entertaining, informative, and pertinent, and I think they will be of interest to the Members of the Senate.

I ask unanimous consent that General Harris' remarks be printed in the RECORD.

I commend them to the attention of the Senate.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY GEN. HUGH P. HARRIS, WASHINGTON LIGHT INFANTRY, FEBRUARY 22, 1968

You truly flatter me, sirs, by asking that I be your speaker at such an important and auspicious occasion as your 161st anniversary dinner. This is, of course, one of the finest occasions in Charleston each year. I'm honored to even be a guest—much less an honored guest.

This is my third anniversary dinner with you. If I remember correctly two years ago Senator Fritz Hollings was the speaker. Glad he is here tonight—wish he would do this speech. Last year your speaker was Mr. L. Mendel Rivers. Please don't try to compare our presentations because this is an awesome task for me. Fritz Hollings is here—but I understand Mendel is in deep mourning tonight over departure of Mr. Robert Strange McNamara as Secretary of Defense.

This is an important date for two reasons:

1. It is 22 February, the 161st anniversary meeting of the Washington Light Infantry.

2. It is 22 February, the 236th anniversary of George Washington's birthday.

Let me first deal with our first President and father of our country, the man from whom you take inspiration. Every time I see a picture of General Washington crossing the Delaware, it seems to me that he is mumbling to himself, "I wonder who made out this seating arrangement."

Even those who have tried to make us think less of George Washington admit that few, if any, individuals in history have been more dedicated to the welfare of this country. Even the story of his cutting down the cherry tree has been branded as myth. In fact, some people say it happened in Texas rather than in Virginia. Be that as it may, Washington clearly demonstrated the characteristics that we still admire in our great leaders. Without his life's contributions there would be no America as we know it today.

If Mr. George Washington could suddenly appear before this audience on his birthday, I think he would tell you that most of our problems can eventually be solved if we have these four qualities. These are: (1) military and economic strength, (2) mature leadership, (3) responsible citizenship, and (4) faith in our government.

He would also probably tell you that when he made his farewell address to the Continental Congress and armed forces that he, too, couldn't too accurately foresee 182 years ahead. But in many things, though, he would say, "I told you so."

We would all do well to strive to develop in our lives Washington's sense of order, his desire to do things systematically, his neatness, his ability to concentrate intensely, and his patriotism. Above all, we could well copy the pattern of his life that caused him to live in such a responsible manner that no action of his can be found which stains his name.

I want also to pay a special tribute to you officers and men of the Washington Light Infantry. The history of the Citadel and the history of the Washington Light Infantry have been closely intertwined. We are proud that the WLI was selected in 1843 to serve as the old guard of the Citadel in the ceremony that converted the old fort to educational purposes. We acknowledge, too, that the Washington Light Infantry was instrumental in the reopening of the Citadel following the Civil War. We have recognized our close relationship by naming a 10-acre tract of our campus Washington Light Infantry field. Besides, we have a Washington Light Infantryman marksmanship competition which is a popular cadet activity. We never think of Citadel history without thinking of the WLI. When we started planning for our 125th anniversary, some of the first comments I received were in the direction of involving the WLI in the festivities and ceremonies. I look forward to your participation—you give us military sophistication—yes—even to the military college of South Carolina.

I also want to pay a tribute to all of our armed forces tonight. What more can the American people expect than that our service personnel be willing to leave their country, travel to unknown and unfamiliar parts of the world, and perhaps give up their lives without having had a business career, their own close friends and associates, or their own wife and children. Just think—if you'd never had your wives or children. Yes, our service personnel are the greatest patriots of our day, and I am proud to have been in your company for a full military career. After 34 years commissioned service, I now have no draft card to burn, and a recruiting sergeant doesn't now come near my door. I am now, as far as the military is concerned, merely a consultant.

I am particular a great admirer of the dog-face infantryman. When properly trained and equipped, he is the finest fighting man in the world. I include the Marines, too, because when the chips are down, there is no better comrade on the battlefield than the United States Marines. This soldier of ours is a confident man. He is also a droll fellow. In this group of fighting men, I include our sailors and airmen—but I particularly include the citizen soldier; such as you members of the WLI. I like this tribute to the citizen soldier by some person unknown. He hit it on the head—and I quote:

"His fame endures with the honors he has won. His glories vanish with the subjugation of his foes, and, bowing to the law his bravery has sustained, he finds his home in a citizenship he had helped make secure. Such is the American citizen-soldier, and of such is the strength of these United States."

Talking about fine patriots, I don't want to overlook the ladies. Of all the great ladies, I think Betsy Ross was the most outstanding. She was attractive and glamorous. She could cook and sew. She could tell President Washington how the American flag should look. Besides all that, though, she married in this order: An American soldier, an American sailor, and then an American Marine. How could any woman be more courageous?

These long, serious after-dinner speeches bore the hell out of me, but I want to say a few serious things to you. I think you expect me to. I will talk to you about our national environment—the mess we are in—and try to give you a few ideas of how we might get out of our dilemma. It may sound egotistical to think I might advise—but egotism is a sedative that nature gives to man to kill the pain of being a damn fool.

At the end of World War II the United States was the leading world power, and, inadvertently or not, our country arrived at the pinnacle of world leadership. History and the nature of human society indicate that we are now and will be the object of violent efforts to remove us from that position. We have acquired the traditional role of becoming the No. 1 target for destruction by the Communist coalition because it is their ambitions that we block.

When our World War II enemies surrendered, we thought that we had won a victory and that the world that we knew and the life that we lived was once again assured. We soon discovered that this was simply not true. The Soviet Union did not get back behind her natural geographical boundaries. She did not permit the nations under her domination by virtue of military victory to determine their own form of government and to select their own leadership, and she initiated a campaign of sabotage, subversion, and all other methods of pressure to export international communism. I think it is fair to say that the United States, in contrast, removed most of our armed forces from Europe and the Far East, demobilized our major forces, took the lead in establishing the United Nations, and attempted to cooperate in this world organization to peacefully solve the world's problems. After a decade of frustrations and to protect our essential interests, we finally were forced to return troops to Europe and Asia, organize and participate in economic and military alliances, establish overseas air and naval bases, and organize, train, and equip a major strategic air command, and to build a powerful nuclear deterrent capability. In the meantime, Communist nations, particularly Red China, also developed atomic weapons and now emphasized ballistic missiles and submarine warfare—in fact we now see "international blackmail—"

Yes, we no longer have the relative security of living in a world that was maintained in a degree of peace by the balance of power among the nations of Europe. We find instead that our security depends on the assembly of a new balance of power weighted largely by our own strength. We find that policies that are possible for a growing nation are quickly shown to be inappropriate for a nation at the pinnacle of world power. However reluctantly we have assumed this world leadership, we cannot now relinquish it without suffering disaster in the process.

Three aspects of the world situation largely shape our handling of this mantle of leadership. *First*, no other nation possesses the potential power to lead the free world successfully in the struggle against global communism. Thus, we have no alternative but to lead. *Second*, the communist power drive and pattern of action are dynamic, global, and seek every possible backing. Thus, the United States leadership must be continually active and combine our resources effectively with those of allied nations. *Third*, our security and the security of the non-communist world demand that we employ our power in a manner which ensures the continuing existence of a world whose form is consistent with our objectives.

With this new situation has come a vastly changed and enlarged role for American military power. No longer can our requirements for forces be met by mobilization strength that could assemble under the protection of the old balance of power. Now in critical areas around the world, we must be prepared to meet the first attack. Instead of being shielded by allies while we marshalled our reserve forces, the United States Armed Forces must now serve as the shield—a shield of such evident strength that our allies will not hesitate to rally their power behind it.

As the leading Nation, we must now project our military power beyond our boundaries on a larger scale and on a continuing basis. We must maintain forces on the soil of our allies who join their causes with ours because of their reliance upon our strength. So we are in many places around the world. We just cannot escape these responsibilities. The location and the level of forces deployed abroad requires the exercise of reasoned judgment by our national leadership to determine a balance between the forces deployed overseas and those maintained in strategic reserve at home. The final determination, of course, is the national policy pursued by our Government. The strategy of political initiative requires appreciatively larger and stronger military power in being than a strategy of containment. So we appear to face a prolonged period of increasing and widening tensions in many trouble spots. The situation in Europe, in Southeast Asia, and in the Middle East, in large parts of Africa, Cuba, and several countries of Central and South America is such that even the most optimistic assessment must consider as very real the possibility of further

Communist advances, successes, and more stresses for our people.

Whether the future holds gentle breezes or the threat of a hurricane, we must now gird ourselves to face it and from whatever direction it comes.

Now this appears to be a very pessimistic picture, but this is not necessarily so. We have a greater challenge facing us and bigger rewards awaiting us than our fathers had, but there is also more at stake as a result of our abilities or our inabilities.

So we are now in a battle for national survival. While certainty is impossible, the score is probably about 20% in our favor now. Our opponents, the Communist coalition, are on the offensive and they are a confident lot. The playing field is the entire known world and a part of space. No set rules have been established for the conduct of this game. A regular time for the end of the game has not yet been determined, but there will eventually be a victor in such a titanic struggle.

We are in the twenty-second period of this game of survival, which is the twenty-second year since the ending of World War II. We are engaged to ultimate decision with an opponent primarily in the field of ideologies. The purpose of the exercise is to get a favorable decision *without* a general atomic or nuclear war.

Except for the existence of atomic and thermonuclear weapons, in the military sense, I am convinced that our Armed Forces, backed up by our industrial power and intelligent citizenry can take care of our national security today and tomorrow.

In respect to overall resources and capability to produce things, our economic experts say we now have an advantage of about four to one. However, if we lose the intelligent work forces, the raw materials and heavy industries of Western Europe, including Great Britain, and those of the Japanese Islands and Southeast Asia, we will probably be in the soup.

But it is in the field of ideology and practicalities that we will surely win or lose the game. I think that we can win the game if we do all these things:

IDEOLOGY

a. Maintain absolute faith in our free enterprise system. Also we must convince our young people that any idea that the Communist economic system is superior to ours is pure poppycock. Also their leaders are dirty pieces of work.

b. To win, we must preserve our individual liberty. This may not be easy to do in a pseudo-welfare state, but we must do it.

c. To win, we must maintain faith in the ability of a free people to govern themselves in a community of law and mutual respect for the rights of others. These riots and lawless behavior have to be stopped and some leaders severely punished.

d. To win, we must have enthusiasm for this great country of ours. We must have faith in its future and always be proud of being an American. These draft card and flag burners and hippies are not an important part in our survival fight. They are a passing fancy, but no help at all. We cannot depend on their ilk to help us survive. In fact, we can't depend on anyone who rejects all discipline on principle.

e. To win, we must oppose Communist aggression the best way we know how and constantly strive to get across the idea that the real wave of the future is man's right to freedom and personal integrity, and we must show our dedication to this idea. We must seek to understand what freedom and victory are about and translate them into something meaningful. We have to learn again that we have to win when we lay our prestige on the line.

f. We must clarify to the entire world, and to the American people particularly, what we believe to be our vital interests. If you look back to the last forty years, you will see that we have had troubles because we let our enemies believe we would not react. Kaiser Wilhelm in World War I—Hitler in World War II—the North Koreans in 1950—and the North Vietnamese in 1961. So we must make our position crystal clear. Some countries have some hard headed leaders still about.

But the greatest sin of all is to recognize our vital interests, to declare that we will defend them, and then back down under pressure.

If we then back down this will invite trouble and shame. For a nation at the pinnacle of world power, this procedure will destroy our national prestige and credibility and undermine our military and political alliances.

So the name of the game is national survival. We still have a substantial lead in the game. We are in the twenty-second year of the battle. The struggle will persist until there is a showdown and a winner between the two great powers or the two great coalitions. The winner will not be finally determined in local places such as Korea, Berlin, the Middle East, or Vietnam. These are merely testing grounds. The battleground is the world.

We will win if we have the necessary national resolve and willpower to stand up to these enemy people and have the courage to take the necessary action to defeat them. We still have the human and material resources to get the job done.

If you consider well what I have said to you, you can see why we are now having trouble, why we are going to have more trouble, and why we can't do the job we have to do without realistically facing up to the issues of our day.

Being a good critic is a difficult and tough task. But I can think of one task that is tougher, and that is being a leader. Our national leadership does not have to stick its neck out. It is already out, or the United States would not and will not be the leader.

I say again I believe that most of our major problems can eventually be solved if we have four qualities: military and economic strength, mature leadership, responsible citizenship, and faith in our Government. These are the obligations that we owe to our generation, to the times in which we live, to the fellowman with whom we are making this brief trip through life. We must never lose our enthusiasm for this great country of ours, have faith in its future, and always be proud of being an American, and we must never lose sight of the great traditions upon which our economic and political systems are based. If we do this, we can, I believe, successfully "face up" to the problems of our day. I know we can always count on your officers and men of the Washington light infantry—God bless every one of you!!

FARM PROGRAMS AND THE DIFFERENCE THEY MAKE

Mr. MONDALE. Mr. President, at the 26th Annual Convention of the Minnesota Farmers Union this past December, Dr. Walter Wilcox, Director of Agricultural Economics for the U.S. Department of Agriculture, delivered an important and impressive message concerning farm programs and the difference they make. Dr. Wilcox's theme was that our agricultural economy has made tremendous progress during the past 8 years thanks, in large measure, to the effective operation of several "new era farm programs."

Mr. President, because I believe that Dr. Wilcox's observations warrant wide consideration, I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE NEW ERA FARM PROGRAMS: THE DIFFERENCE THEY MAKE

(Address by Dr. Walter W. Wilcox, Director of Agricultural Economics, U.S. Department of Agriculture, at the 26th Annual Convention of Minnesota Farmers Union, St. Paul, December 4, 1967)

Agriculture has made much progress during the 1960's. This fact has not received the attention it deserves—too frequently we limit our comparison of 1967 with 1966.

Agriculture was a sick industry in 1960.

Net realized farm income was $11.7 billion. It reached $12 billion only once in the last half of the 1950's. Yet each year we were adding to surplus stocks. Farm programs were not dealing realistically with agriculture's problems.

Since 1960, the picture has changed dramatically. Surplus stocks of wheat and feed grains are gone—within the past two years there has been concern over the adequacy of stocks. Net realized farm income has shown marked improvement. It will be about $14.8 billion in 1967—over one-fourth better than in 1960—a half better on a per farm basis.

How has this improvement in the farm situation been achieved? Many factors contributed; among them—some 80 months of continuous economic prosperity, rising consumers' disposable income—55 percent higher than in 1960—increased foreign demand for our agricultural products—exports up 39 percent from 1960—and new era, voluntary farm programs which enabled farmers to more effectively gear their production to demand.

Each of these factors played an important role in the improvement in the agricultural economy in the past 7 years. It is doubtful, however, that farmers' income would have proved much—or even continued at the 1960 level without the farm programs.

The new era commodity programs have played a vital role in the past 7 years. They are the new ingredient which has kept our excess production capacity from being used. They restrained production and enabled us to put our surplus stocks to the humanitarian purpose of feeding hungry people at home and abroad while improving farmers' incomes.

The voluntary commodity programs began with the Emergency Feed Grain program of 1961. This marked the turning point in the battle to stop the surplus buildup, and end the stagnation in agriculture. It was the first of the new era programs to eliminate surpluses, improve farm income, stabilize prices, promote foreign trade—and generally to afford greater economic opportunity in rural America. In 1962, an improved Voluntary Feed Grain program was joined by a Voluntary Wheat Diversion program. In 1964, the wheat program became the voluntary wheat certificate program which featured domestic market prices at the world level.

The Food and Agriculture Act of 1965 added a voluntary cotton program to the improved voluntary wheat and feed grain programs. The 1965 Act gave a 4-year life to these programs and provided improvements in the diary, wool and rice programs.

With the help of these programs, dairy producers in 1967 will achieve a record in cash receipts of $5.8 billion—22 percent above 1960. These programs also have helped wheat producers harvest a crop in 1967 valued at near $2.9 billion—including their marketing certificates—also a return 22 percent higher than in 1960. Let me repeat, bad as the income picture is this fall—compared with last fall, it is much better than it might have been.

These new programs have been most effective in achieving the gains that have been made, but they can't take all of the credit.

An impressive contribution has been made by exports. In 1960–61 agricultural exports were valued at $4.9 billion. In the year ending June 30, 1967, agricultural exports were valued at $6.8 billion, an increase of almost $2 billion. Sales for dollars accounted for almost all of the increase.

Commercial exports since 1960–61 have grown at an average rate of 6.2 percent per year. Since 1960, our commercial exports have grown more than a third faster than during the 1950's.

In terms of quantities, agricultural exports in 1966–67 were 23 percent larger than in 1960–61. The largest increases were: grains and feeds, up 50 percent; vegetable oils and oilseeds, up 48 percent; unmanufactured tobacco, up 47 percent; and fruits and vegetables, up 24 percent. This record growth in commercial exports helped eliminate the surpluses and improve farm income.

The loss of these growing commercial markets would have serious consequences on farm income in the years ahead. If United States increased barriers on agricultural imports either through more restrictive import quotas or higher duties, it very likely would trigger a similar response on the part of countries to whom we export. The net result would be less total agricultural trade and U.S. farm income would suffer.

Let me emphasize the importance of foreign markets to American farmers in another way. Last year, exports equaled 58 percent of the wheat produced, 52 percent of the cotton, 42 percent of the rice, 40 percent of the sorghum grain, 31 percent of the tobacco, 23 percent of total crop output, and 15 percent of total farm output.

Farmers today are pessimistic in spite of the progress that we have made since 1960. I can understand why.

This hasn't been a good year in farming.

Farm price have dropped this year and net farm income is down from where it was last year. This is particularly discouraging to all of us because last year was a very good year. We had an alltime record in per capita farm income. We were gaining on the rest of the economy. Although per capita income of farm people still was only two-thirds that of nonfarm people, we did have a sharp gain over 1959, when it was only 50 percent of per capita nonfarm income.

These are national averages. Overall, farm income last year was highest of any year except 1947. So this year it is particularly discouraging.

But Secretary Freeman who will speak to you tomorrow will tell you in some detail what is being done to turn it around again. Very briefly, the Government is buying heavily under P.L. 480. We have prohibited all selling from government grain stocks. Actually, there are scarcely any government stocks left. We tried without success to get legislation which would set up strategic reserves insulated from the market.

We have extended reseal. And we have been urging farmers everywhere not to panic sell. If farmers use the loan and hold and market prudently, current grain prices will improve.

Conditions have changed vastly in the past 12 months. After the 1967 programs were announced a little over a year ago, bumper crops were harvested almost everywhere in the world. The world wheat harvest was 14 percent higher than a year earlier. This was something that the experts, the people in Congress, in the farm organizations and the commodity group leaders could not foresee.

It is that old story that you know so well from past experiences. If we have more of everything, a small percentage increase results in a sharp farm price drop. This experience certainly demonstrates how important our farm programs are. If we didn't have them, we'd have a lot more production—and be in a lot worse shape right now than we are.

So, looking toward next year, we are making adjustments. We already have cut wheat allotments to 59 million acres—down 13 percent. We have announced a feed grain program for next year that will provide for 50 percent greater diversion than this year and strengthen prices.

If we work together and have confidence in our farm programs, we can look to the future with more optimism than pessimism. We may get a setback now and then when we have unexpectedly good weather and bumper crops around the world like last year and again this year. But with current programs and normal weather variations, the good years should more than offset the bad years.

So, while we have lost some ground since 1966, with farmer cooperation in voluntary programs it can be regained. We still are occupying most of the ground gained since 1960.

One thing is clear as a result of our experience this year. American farmers' capacity to produce is greater than markets will absorb at reasonable prices. In other words, agriculture has a continuing problem of surplus capacity. There is still a need to manage this production potential so that it may be used to benefit the farmer—not to penalize him.

A recent USDA report, *World Food Situation—Prospects for World Grain Production, Consumption and Trade,* indicates that while the food-aid needs of developing countries will continue to be substantial, the *developed countries* have a continuing capacity to produce more than enough to meet these needs. The report looks ahead to 1980—12 years ahead—and finds that with production increases in the developing countries continuing at historical rates their grain import needs will rise to nearly double their imports in 1964–65.

But even with imports at this level, there will still be potential surpluses of grain in 1980 unless domestic and international programs are continued and improved. We may not need any larger acreages than were harvested this year, in 1967.

The President's Food and Fiber Commission recently finished an 18-month study of the situation. It, too, concluded that Government programs would continue to be needed to hold land out of use and to provide supplemental incomes for farmers, at least, for a number of years. This also has been the conclusion of almost every recent study by professional economists.

Agriculture's excess capacity for several years has approximated 10 percent. Food and fiber from American farms marketed through usual channels represented about 90 percent of their full potential at current price levels. This compares with a current excess—or unused capacity in the manufacturing of about 10 percent. Industry has had a long standing policy of not fully utilizing its capacity whenever its use would glut markets and break prices. By not utilizing that capacity—diverting it to nonuse—most industries have been able to maintain stable prices at profitable levels.

This is the principle being applied to agriculture through our new era programs. Reserving excess capacity not only stabilizes prices, it also provides a reserve of productive capacity which can be brought into use when the need for it exists.

So while the farm situation is not as good this year as last year, it must be unmistakably clear that it is much better than it otherwise might be—because of our new era farm programs. If these programs were not now in existence, if they suddenly disappeared, agriculture would be jolted severely. The progress of the last seven years would evaporate. The possibility of such a drastic shock may seem remote to many, but the danger is real.

We can look forward to better grain prices in 1968 because of the acreage adjustments made possible by the Agricultural Act of 1965. The Act of 1965 will expire in 1969.

In the event the new era programs or some similar programs are not continued after 1969, production of the grains would be substantially increased and prices would break sharply. The price of corn could fall to 70 cents a bushel and wheat would fall to well below the present loan level of $1.25 a bushel. Within a year or two livestock supplies would increase and livestock prices would fall.

The impact on net realized farm income would be serious. Despite larger output, farmers' cash receipts from marketings would decline. Government payments would be much less than at present. Net farm income could drop by more than one-third.

Almost all of this decrease in farm income would be at the expense of the wheat and feed grain producers. The cut in the income of these producers would be very great indeed. Grain farmers would find land values dropping sharply—and the greatest financial strain would be placed on those producers who had debts outstanding. Certainly the young farmer who is just starting and the producer who has purchased land and is expanding, would be severely pressed to maintain solvency.

A study recently done by the Center for Agricultural and Economic Development at Iowa State University, for the Food and Fiber Commission, indicates that the unfavorable prices of grain would not be just a short term phenomena. The report says that by 1980, in the absence of programs, corn probably would sell for 75 cents a bushel, wheat $1.27 a bushel, cotton 17 cents a pound, and soybeans for around $1.23 a bushel.

There is no escaping the fact that without the new era programs, the farm outlook would indeed be gloomy. It would be even more gloomy than at the beginning of this decade.

That is not to say that these new era programs are perfect. They do not provide solutions to all the problems of agriculture. They did not prevent a serious setback in 1967. They have not yet brought per capita income of farmers up to a parity with nonfarm people. But they have improved the farmers' position.

They provide a politically and economically acceptable means of maintaining a balance between production and utilization. This is the foundation stone upon which an improvement in farmer bargaining power must be based. To gain bargaining power, production must be in line with market demands.

The new era feed grains and wheat programs, by maintaining reasonable supply balance for the grains, are essential to establish the needed general climate of stability within which the commodity groups can bargain more effectively.

The new era farm programs may not be the best programs that could be devised. But we had better keep them until better ones are developed. We have made impressive progress with these new era programs and we can continue that progress in the years ahead.

And so, I would close with this thought—*The new era farm programs do make a difference.*

THE PEACE CORPS—ANOTHER VIETNAM WAR VICTIM

Mr. GRUENING. Mr. President, slowly but inexorably the U.S. incredible involvement in an ever-escalating land war in Southeast Asia has had disastrous effects on U.S. programs, both at home and abroad.

One of these programs is the Peace Corps.

This program was first proposed by the

late President John F. Kennedy during the presidential campaign of 1960.

Speaking in San Francisco on November 2, 1960, Presidential Candidate Kennedy stated:

The generation which I speak for has seen enough of warmongers. Let our great role in history be that of peacemakers . . . I therefore propose . . . a peace corps of talented young men and women . . . this would be a volunteer corps . . . I am convinced that our men and women, dedicated to freedom, are able to be missionaries, not only for freedom and peace, but to join in a worldwide struggle against poverty and disease and ignorance. . . ."

Today, President Kennedy's vision of tens of thousands of American missionaries working for peace and freedom in the far corners of the world has been shattered on the shoals of the Vietnam war.

In an excellent article published in the Nation for February 26, 1968, Prof. Gerald D. Berreman, of the University of California, comes to the conclusion that the Peace Corps represents "A Dream Betrayed."'

Professor Berreman states:

There are at least four major reasons for disenchantment with the Peace Corps at home and abroad, three growing from the corruption of United States foreign policy and the deterioration of domestic policy, and the fourth from the bureaucratization of the Peace Corps itself.

The first reason given for the disenchantment with the Peace Corps cited by Professor Berreman is, of course, in the war in Vietnam:

The same government which is helping peasants become more productive farmers in India is defoliating crops and killing peasants in Vietnam.

The second reason is that the Peace Corps is used to "divert attention from, or to excuse less palatable aspects of U.S. foreign policy, notably the war. It is often held up to an outraged and fearful world as evidence of the peaceful intent of the United States."

The third reason is that the Peace Corps "is neither an innocent adjunct to a corrupt U.S. foreign policy nor simply a diversion from that policy, but that it is a direct agency of that policy. This convictim has grown markedly in recent months even among the PCV's—Peace Corps volunteers—themselves."

The final cause for disenchantment with the Peace Corps is that its "idealism is frequently said to have been lost as it has become increasingly bureaucratic and increasingly tied to other agencies of the Government."

It is a shame to see a program conceived with such noble purpose and begun with such verve, zest, and idealism as was the Peace Corps, fall victim to the tragic military embroilment of the United States in Vietnam.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PEACE CORPS: A DREAM BETRAYED

(By Gerald D. Berreman)

"The generation for which I speak has seen enough of warmongers, let our great role in history be that of peacemakers."

With these words President Kennedy seven years ago introduced the Peace Corps, a program which fired the public imagination and which has been widely acknowledged to be among the most inspiring accomplishments of an inspiring President. Its aim was to promote world peace by working to eliminate the root causes of war: poverty, ignorance, hunger, despair and, perhaps above all, the disparity between standards of living within and between nations. It would accomplish this by sending to developing nations, at their request, skilled Americans trained in the languages and cultures of the host nations. This was to be a people-to-people program; the Americans would be volunteers, unpaid except for subsistence allowances, expected to live insofar as possible as peers among those with whom they would work.

Today, the bright promise of the Peace Corps is badly corroded; the ringing phrases which introduced it have a distinctly hollow sound. True, 12,250 volunteers are working in fifty-eight nations, and nearly 15,000 others have completed their two years of service. But the signs of corrosion are many. The Peace Corps has been ejected from Pakistan, Guinea, Mauritania and Gabon. Demands for its ouster are proliferating, and its future is now doubtful in several nations, including Turkey where there were 590 Peace Corps Volunteers (PCVs) in 1965 and are now only 220. In the United States Peace Corps applications have declined precipitously. In 1967 they dropped 50 per cent at the University of California, Berkeley, which has been the largest contributor of applicants and trainees in every year since the founding of the Corps. Ray Holland, director of recruiting for the Peace Corps, reported in December that applications had declined 30 per cent nationally in 1967. Several important staff members have resigned recently, including Deputy Director Warren Wiggins and Associate Director Harris Wofford.

What happened? The Peace Corps began with high hopes and widespread good will. It attracted as volunteers some of the nation's most energetic and unselfish youth. They combined idealism and practicality to win the respect and affection of many of those among whom they worked, including some who had doubted their capabilities or motives. The Peace Corps appointed as regional representatives and staff members able and dedicated people from many walks of life, animated by the desire that this might be a successful moral alternative to war. Today such people are leaving or have left, and those who replace them are of a different mold. The directorship has passed from an imaginative New Frontiersman to a colorless cold warrior. The Peace Corps itself is worried about the high proportion of "bland" volunteers who, in the words of a *New York Times* report, "do not grasp the potential of such projects as community development."

The widespread disenchantment with the Peace Corps is not simply a phenomenon of that organization; it reflects the decline in public confidence at home and abroad in a government that pursues an unpopular and unjust war in Vietnam, supports every avowedly anti-Commnist government that rears its head, regardless of what it does to or for its people, and is floundering in a deteriorating domestic situation closely linked to the international one. The most eloquent and convincing critiques of the Peace Corps have come from PCVs and returned PCVs themselves. Eight in Ecuador wrote recently a carefully reasoned "indictment of the Peace Corps," which was published in several newspapers. It began: "We joined the Peace Corps because we thought it would afford us a means of helping developing nations without imposing the United States' political and cultural values on them . . . We were wrong. We now see that the Peace Corps is arrogant and colonialist in the same way as the government of which it is a part".

Recruiting director Holland acknowledged the problem in an interview reported in the *San Francisco Chronicle* of December 13, 1967. Commenting on the drop in Peace Corps applications, he said that there is "an increasing reluctance on the part of young people to become associated with the U.S. Government, which they see waging a war they cannot support." He may have been led to this conclusion partly by the fact that six months earlier more than 800 ex-PCVs had signed a letter to President Johnson, stating that in the context of the war in Vietnam young Americans would "be reluctant to participate at all in overseas programs of the Government," and conveying their conviction that "American policy is seriously undermining the contribution America can make toward achieving" the kind of world envisioned by the Peace Corps.

There are at least four major reasons for disenchantment with the Peace Corps at home and abroad, three growing from the corruption of U.S. foreign policy and the deterioration of domestic policy, and the fourth from the bureaucratization of the Peace Corps itself.

One of these directs no criticism at the Peace Corps as such, but regards it as a relatively minor and benevolent expression of an Administration whose major expression—the war in Vietnam—is directly opposed to everything for which the Peace Corps stands. The same government which is helping peasants become more productive farmers in India is defoliating crops and killing peasants in Vietnam.

Last October, twenty-four PCVs in Brazil, petitioning for a negotiated settlement in Vietnam wrote to *The New York Times* that "there is an inherent contradiction in representing a Government which is engaging in a war while serving that Government in the 'Peace Corps.' "

The attitude of many of those the Peace Corps now seeks to recruit parallels the reaction of an acquaintance who talked with government officials in Vietnam a couple of years ago about the burning of villages by U.S. Marines. He was told, "Yes, but there is another, untold side to the war. The Marine band performs for the Vietnamese orphanages." This led him to ask himself, "When should the piccolo player quit the band?" And he answered, "Now." Many who see nothing wrong with what the Peace Corps is doing—who even find it laudable—simply cannot stomach the hypocrisy. They have decided that they will not play the piccolo, even for orphans, in the employ of an Administration whose main business is burning villages and making orphans. That that *is* the main business is suggested in the position paper opposing the war published in *Ramparts* magazine (September, 1967) by the Committee of Returned Volunteers, and signed by 659 overseas volunteers, 520 of them PVCs. It notes that "every two days the equivalent of the annual Peace Corps budget is spent for the war in Vietnam." In this context the Peace Corps is at best a poignant gesture; at worst a cruel hoax.

Abroad, these inconsistencies are seen even more clearly than in the United States. Peace Corps Director Vaughn demonstrated monumental insensitivity when he wrote in the *Saturday Review* last January that " a volunteer who has worked hard in Brazil for two years need not feel that his work there has been undone by what is going on in Vietnam, and I suspect that Brazilians feel there is virtually no relationship between what the volunteer has accomplished in Brazil and what is happening in Vietnam." The overwhelming evidence is to the contrary. Citizens of host nations as well as PCVs have increasingly pointed out the relationship—not just with the war in Vietnam, but with all U.S. foreign policy.

A second, related, ground for opposition to the Corps is the use made of it to divert attention from, or to excuse, less palatable aspects of U.S. foreign policy, notably the

war. It is often held up to an outraged and fearful world as evidence of the peaceful intent of the United States. As a student commented, for this Administration to support and boast of the Peace Corps is as though Murder, Inc., were to sponsor an orphanage and point to this as extenuation for its other activities. In this view, the Peace Corps ceases to be merely an innocent concomitant of an insupportable foreign policy and becomes part of that policy. PCV Fred Lonidier (Philippines) drew attention to this when he wrote a letter to the *Manila Times* in November, 1966, asking "whether or not the Peace Corps is perhaps an expendable political gimmick kept in existence to give the lie to any challenges to Johnson's peaceful intentions."

There is hardly an official mention of the 1965 Dominican Republic uprising, in which U.S. Marines interfered heavily and brutally, that does not stress the benevolent role of a few courageous Peace Corps Volunteers who moved about on both sides of the fighting. Director Vaughn, summing up the first seven years of Peace Corps activity, describes that even as "perhaps their finest hour." Yet it was the Marines who prevailed. The Peace Corps thus serves as a sugar-coating, and a thin one at that, for the bitter pill of U.S. military policy.

It is clear that the Administration would like to divert domestic protest from the war and that it has attempted to use the Peace Corps as one means to do so. Vice President Humphrey, in October, 1965, said to the Peace Corps National Advisory Council that "Many of those who demonstrated [on Vietnam Day] are just sincere, idealistic youths whose idealism could well be channeled"; presumably away from the war, where there protest hurts, to more innocuous programs such as the Peace Corps where, thousands of miles away, they could devote their energies to helping peasants. This relationship between the Peace Corps and the war was made explicit by columnists Robert Allen and Paul Scott on October 14, 1965, when they informed their readers, approvingly, that former White House aide Richard Goodwin, at the Institute of Advanced Studies at Wesleyan in Connecticut, had a private mission from the Johnson Administration "to put a damper on the differences over U.S. Vietnam policy and channel this student protest effort into support for the administration's social programs," both at home and overseas.

The recurrent hostility of Peace Corps officials toward the peace movement is illuminating in this regard. Kirby Jones, desk officer for Ecuador, while recruiting on the West Coast in October, 1966, remarked that protest activity is "not really a genuine service. The Peace Corps offers active participation in things that are really happening," and he described the "electric climate" on the Berkeley campus as "phony, amateurish and superficial" as contrasted to the reality of the Peace Corps. Vaughn said in the *Saturday Review*: ". . . We are well advised to take a good long look at anything which arrogates unto itself the label of a peace movement by that or any other name. It is studded with eminent signatures and famous personalities, long lists of names in fine print, and guest speakers? Having consigned most of my life to this cause, I know enough about the movement for peace—real peace—to say forget that approach." Vaughn, director of the Peace Corps since 1966, was described by Marshall Windmiller, associate professor of international relations at San Francisco State College, in a recent Pacifica Radio commentary as "a vigorous anti-Communist . . . who had helped to develop American counter-insurgency policy in Latin America," and was opposed for confirmation in his Peace Corps appointment by Sen. Wayne Morse who said "as Assistant Secretary for Latin American Affairs, in my judgment, he was grossly incompetent." Little wonder that enthusiasm for the Peace Corps has waned.

The recruiting literature is itself revealing, with its inept use of the rhetoric of protest—rhetoric which has admittedly failed to lure student activists to the Peace Corps. Terms such as "revolution," "agitation," "alienation," "free speech issue," have been much used, assuring the prospective volunteer that these terms have real meaning in the Peace Corps as contrasted to the sandbox of student protest. On the contrary, activist students have come to view the Peace Corps as a sandbox wherein the foreign policy they find abhorrent is tacitly or overtly endorsed and the *status quo* is perpetuated in the very societies where the Peace Corps does its allegedly revolutionary work.

This raises a third major source of disenchantment with the Peace Corps—the belief that it is neither an innocent adjunct to a corrupt U.S. foreign policy nor simply a diversion from that policy but that it is a direct agency of that policy. This conviction, originally expressed only in the anti-American press, has grown markedly in recent months even among PCVs themselves. It does not rest on the generally discredited allegations that the Peace Corps may be a cover for CIA activity. (Although Vietnamese journalist Tran Van Dinh, writing from Washington, asked pointedly in a recent column: "How, in an organized bureaucracy, does one agency not exchange information and ideas with another under the same command?") Rather, the conviction rests on pronouncements from within and without the Peace Corps about its aims. Charles J. Wertzel has pointed out that from the beginning Congress visualized it as a "weapon of American foreign policy against communism," and President Kennedy, in his speech outlining the Peace Corps program, spoke of the need for an antidote to the "missionaries of communism" abroad in the world. Hubert Humphrey, then a Senator, said bluntly in 1960: "This program is to be a part of the total foreign policy of the United States . . . to combat the virus of Communist totalitarianism." Director Vaughn noted in an address at Utah State University in December, 1966, that PCVs are "second to no other Americans, including troops in Vietnam, in performing service for this nation."

When in June, 1967, the Peace Corps fired a PCV in Chile for publicly opposing the Vietnamese War, and warned ninety-two others there of possible disciplinary action growing out of an anti-war petition, five PCVs in Ecuador wrote to *The New York Times* that "we have been ordered to support the war in Vietnam—with our silence at least." They pointed out that "now the distinction between the Peace Corps and other agencies of the United States Government has become blurred," with a resultant loss of confidence among those the volunteers came to help.

Peace Corps spokesmen have consistently gloried in attacks or criticisms identifiable as coming from Communist sources. They have seen them as evidence of Peace Corps effectiveness and have exploited them heavily in their press releases. Under Vaughn, cold-war language has become increasingly familiar. This orientation has alienated a large section of potential volunteers for whom the cold war is at once irrelevant and reminiscent of the McCarthy era. The Committee of Returned Volunteers showed considerably more understanding than official Peace Corps spokesmen when they wrote of the war in Vietnam "that the anti-Communist rhetoric used to justify our actions there obscures the fact that the basic division in the world today is between rich and poor." That same rhetoric generates in host countries the kind of response which leads to demands for expulsion of PCVs.

Two years ago, Professor Windmiller endorsed the Peace Corps as an effective agency for constructive change in the world, and one with which war protesters could ally themselves. He saw it as a healthy element in the otherwise sickly landscape of U.S. policy, and therefore to be nurtured. On November 16, 1967, he reversed this stand as he traced the recent history of the Corps, its emergence as an overt agency of U.S. policy under President Johnson, and the special role it now plays: "Its mission is the same as that of the American armed forces in Vietnam. It is a highly political mission: to support the governments that are friendly to us. . . . The Peace Corps therefore is not an instrument of change but an instrument of the *status quo*. Not a revolutionary organization but a counterrevolutionary organization. It is the advance guard of the Marines—counterinsurgency in a velvet glove."

The work of the Peace Corps is described in its own literature as constructive "social revolution" which "sidesteps" conventional revolution to bring modernization to developing nations. Windmiller pointed out the inherent contradiction in this terminology. "Modernization in developing areas," he said, "is a political as well as an economic and social process. The Peace Corps never really confronted this difficult fact, and instead tried to be constructive without being political. It failed, and gradually became political; not political on the side of change but political on the side of stability and the maintenance of the *status quo*."

Conor Cruise O'Brien has described the position of the U.S. Government, and hence the Peace Corps, as being "in favor of social revolution, verbally, provided this takes place peacefully, and it exhorts parasitic ruling classes to inculcate social revolution, just as it exhorts Dr. Verwoerd to abandon apartheid. And with the same degree of success. Failing peaceful social revolution, it favors no revolution—combined with continued exhortation." The Mexican anthropologist, Guillermo Bonfil Batalla, has observed that "sometimes it looks as if those who work along the road of slow evolution intend to achieve only minimal changes, so that the situation continues to be substantially the same; this is, in other words, *to change what is necessary so that things remain the same.* Those who act according to such a point of view may honestly believe that their work is useful and transforming; however, they have in fact aligned themselves with the conservative elements who oppose the structural transformations that cannot be postponed in our [Latin American] countries." The Peace Corps is guided by that point of view.

This has not escaped PCVs. The position paper of the Committee of Returned Volunteers included the statement: "Although its name indicates a goal of serving the forces of peaceful change, we wonder whether the Peace Corps' effect has not at times been to impede rather than accelerate the movement into a future of greater abundance and full political participation."

The anxiety of Peace Corps administrators, lest the implied appeal for change be taken literally, is reflected in their fence-straddling recruiting poster: "Why join the Peace Corps? Not to change the World, but not to leave it the same either."

The fourth major cause of disaffection comes from within the Corps itself. Its idealism is frequently said to have been lost as it has become increasingly bureaucratized and increasingly tied to other agencies of the government. As the Peace Corps has grown it has become more a creature of its administration and less an instrument of its volunteers. As one veteran Peace Corps trainer put it, "it is dominated by its middle and top level management—its own international jet-set. At one time it was 'people'; now it is 'Establishment.'"

Part of the change for the worse is attributable to change in administration; especially Director Sargent Shriver's replacement by Jack Hood Vaughn in February, 1966, with resultant closer ties to the Johnson Admin-

istration. Vaughn's record in the directorship and the continuity of that record with his pre-Peace Corps performance substantiate this interpretation, as do the defections of key Peace Corps staff members during his time in office.

Windmiller, commenting on the deterioration of the Peace Corps under Vaughn, quotes recruiting literature that has shifted its emphasis from social service and idealism, to self-interest and personal advancement. As a consequence of this, the typical PCV has changed from an individual who wants to improve the world to one who is "essentially a conformist," who will do what the Peace Corps tells him to do because it will help him find a job or otherwise advance himself. Windmiller points out the evident preference for volunteers who are what Peace Corps literature has called "quiet mouth" Americans, who do not express opinions and do not get into arguments. This inference is given credence by Vaughn's *Saturday Review* article where, attacking anti-war movements, he asserts that "peace is a quiet passion," wherein "you bite your tongue 100 times for every time you speak a word." Evidently this is true for words of protest only; certainly the Peace Corps cannot be accused of having conserved words in its own praise.

The eight volunteers from Ecuador, in their indictment of the Peace Corps said: "Nearly everyone in the Peace Corps is aware that the organization exists for the American public—not for the volunteers, and certainly not for the countries where it works. Whenever a problem comes up, the staff's first question is: will this hurt our image? . . . The image that the staff seeks to maintain conflicts, in practice, with the work the volunteers want to do." The preoccupation with image has led to a credibility gap within the Peace Corps analogous to the gap which Americans have come to identify with policy agencies of our government. It includes suppression of political expression by PCVs, many of whom were recruited partly on the basis of their political awareness and with the promise that the Peace Corps would afford opportunity for its expression. At Berkeley, in 1966, Vaughn said the Peace Corps itself is "outside politics." "Asked if a PC volunteer would be relieved of his post if he spoke out against the war in Vietnam, he replied," according to the *Daily Californian*, "that PC volunteers are free to maintain any political position they care to." On June 30, 1967, the Peace Corps announced that Bruce Murray, teaching music in a university in Chile, was fired by the Peace Corps for identifying himself as a PCV in a letter protesting the war in Vietnam and published in a Chilean newspaper. Shortly thereafter, in a letter to *The New York Times*, ex-associate director of the Peace Corps, Harris Wofford, expressed his disagreement with the policy of curbing dissent in the Peace Corps. This policy has repelled potential volunteers eager to work for peace but unwilling to be muzzled in their statements or actions.

Political expressions by returnees are impossible to control, and even the views of those still within the Corps are proving difficult to curb, as the quotations in this article suggest. Francis Pollock made clear in "Peace Corps Returnees: The New World They See" [*The Nation*, July 3, 1967] that ex-PCVs are likely to become an increasingly irritating thorn in the side of the Establishment as they become increasingly organized. He quoted Vaughn's petulant comment on a letter to the President, criticizing the war and signed by 800 ex-PCVs (7 per cent of all returnees): "The letter was not spontaneous. I know it was done by outsiders." If ex-PCVs are that subject to manipulation, the Peace Corps is not nearly as successful as it claims to be in its selection and training programs.

A consequence of the greater concern with image than with effect in the Peace Corps has been what the dissenting Ecuador volunteers termed "a numbers game." "In this game, emphasis is placed on the quantity of volunteers, not their quality. A program for 100 volunteers is better than one for 50 even if only 25 are needed. As a result, the Peace Corps must recruit people with marginal skills to meet its quota and assign them where they are not requested or needed. The result of playing this game is obvious: waste of manpower and money."

The Ecuador volunteers described the ethnocentrism of the Peace Corps and many of its personnel as an "arrogance of power." "Semi-literate in its language, nearly ignorant of its culture, we still presume to teach Ecuadorians methods of thought and work that we have inherited from our North American past." The arrogance existed from the beginning. Rep. Henry Reuss of Wisconsin, advocating the Peace Corps in 1960, said "the people of the developing countries need economic assistance, but even more they can profit from exposure to the ideas of Thomas Jefferson and Abraham Lincoln." But blatant ethnocentrism is not confined to the halls of Congress. Kirby Jones, Ecuador desk officer and program operations officer in the Latin American Division of the Peace Corps, himself a former PCV, wrote recently of the PCV's problems in the field: "Just as Americans are conditioned to take initiative, to respect the law, and to believe almost naively in man's limitless possibilities, Latin Americans are conditioned to the opposite. They tend to be disrespectful of authority, fatalistic concerning their future, dubious of their ability to control their destinies, suspicious of neighbors, desirous of any power or status symbol of their own, reluctant to attempt anything new, and blindly hopeful that something or someone will pull them out of their situation." As the Ecuador volunteers said, "it is an arrogance that is hard to escape."

The arrogance is manifest in the fact that Peace Corps programs emanate almost wholly from its own offices, with little influence from the host country. The Ecuador volunteers noted that "North Americans—not local people—possess both administrative control and the authority to devise programs. Not only has this attitude communicated itself to the Ecuadorians and caused many of them to resent the Peace Corps; it has also proved to be remarkably inefficient. For it blinds the organization's programers to local conditions they need to understand, and deafens them to the opinions local people set forth about the best way to work here."

One, alone, of the Congressionally defined aims of the Peace Corps seems to have been fulfilled to a significant extent over the years, namely "to help promote . . . a better understanding of other peoples on the part of the American people." Whether or not they have done much for those among whom they have worked, PCVs have learned much from them. PCVs have returned in increasing numbers to this country, bringing with them a new awareness of other people, other values and other ways of life. In the long run this may have a healthy leavening effect on American society, most of whose members have not experienced other societies on a people-to-people basis. A certain empathy may result from the experience, and may be communicated to others. If so, this will have been the greatest benefit of the program. It is a fringe benefit—the same which rationalizes the "junior year abroad" program, for example—but it is worth something. However, it is hardly what host countries were led to anticipate or could be expected to seek and enthusiastically support. Moreover, the Peace Corps is an extremely awkward way to achieve that end. An overt "two years abroad" program that could be devised without the overriding commitment to "image" and to directed change would have the advantages without the concomitant international repercussions of the Peace Corps.

The American dream which generated the Peace Corps has been betrayed in the past seven years by the drift of the nation ever more deeply into a war which is antithetic to everything for which the Peace Corps would have to stand if it were to have a chance for success. The betrayal of the idea of the Peace Corps in this period is, therefore, the betrayal of the American people who voted for Johnson and Humphrey in 1964 as peace candidates. The orphanage languishes when its sponsors are preoccupied with murder, and their intentions are justifiably suspect.

In a different context, the Peace Corps might have spoken for the most humanitarian impulses in American foreign policy and idealism. In the context of war in Vietnam, the Peace Corps is unavoidably debased. Those young Americans who want peace and a better world have come increasingly to believe that their energies can be better used by seeking an end to the war than by joining the Peace Corps. For it is in Vietnam that the greatest human suffering is being experienced now, much of it at the hands of Americans, and it is there that the most suffering might be alleviated by American initiative.

Jack Hood Vaughn says in his *Saturday Review* article: "Some have suggested that the war is undercutting the work the Peace Corps is doing. But this is not so." He is almost alone in this opinion. As the war worsens, volunteers will continue to become scarcer and the Peace Corps will be evicted from more countries. What was advertised as a genuine alternative to imperialism will be more widely regarded as merely a euphemism for it. More and more people at home and abroad will regard the Peace Corps as a perversion of the original program. Its name will increasingly be identified with such grotesqueries of administrative newspeak as the "pacification" program in Vietnam.

Those who held high hopes for the Peace Corps must regret its failure to fulfill those hopes. In a very real sense they feel betrayed. It is not surprising that they are impelled to inquire into the reasons for that betrayal as I have done. But out of that analysis come a question and a conclusion more fundamental than the immediate causes of failure. The question is, could it have been otherwise? My conclusion is that the Peace Corps, as it was defined and structured, could never have succeeded; that it was never more than a dream.

The Peace Corps was foredoomed because it was based on a philosophy of moral imperialism which could not win the international trust and respect that success would have required. Ambivalence of purpose overlay this philosophy; ambivalence between a dream of the Peace Corps as a humanitarian agency of social and economic help for the needy, and the reality that, as a government agency, it was an adjunct to American cold-war policy. These goals were mutually exclusive. They were consistently confused in the minds of Peace Corps personnel and the American public. The war in Vietnam made their incompatibility clear; but it only emphasized and accelerated what power politics, international competition and the cold war would have accomplished in any case.

If a program of international social service and economic development is to have the confidence of host nations, and is to achieve even a fraction of the effect envisioned by those who originated and served in the Peace Corps, it must be an international undertaking from top to bottom—from administration, staffing, financing and policy making to implementation in the field. It will not be trusted or effective so long as it is an agency of a single national government, least of all a major power, for it will be identified with that government's self-interest. Inevitably, it will be heavily involved with

its policies, unable to act without reference to them. This will assure its failure. The American experience with the Peace Corps and the war in Vietnam have made this conclusion inescapably clear.

THE STRICKMAN FILTER

Mr. MAGNUSON. Mr. President, on Monday, Dr. Grayson Kirk, president of Columbia University, informed me that Columbia has abandoned any plans to participate in the marketing of the "Strickman" cigarette filter.

In addition, Dr. Ralph S. Halford, professor of chemistry and special assistant to the president of Columbia, presented to my committee the results of the extensive testing program which he undertook to determine the relative effectiveness of the Strickman filter.

Dr. Halford conducted this study following President Kirk's appearance before our Commerce Committee last August.

Based upon a review of the Halford report by the staff of our committee, in consultation with Dr. Halford and Dr. Paul Kotin, Director of the Division of Environmental Health Sciences in the Public Health Service, I have reached the firm conclusion that this filter is not, by any stretch of the imagination, the revolutionary development which Columbia first heralded last July.

In fact, the "Strickman" filter is not as efficient in removing tar and nicotine as certain filters readily available to cigarette manufacturers, including some filters now in production.

Columbia, in announcing the termination of its agreement with Mr. Strickman, has made it clear that it has also retracted the claims which it had made for the filter.

The failure of this filter to live up to the claims made for it is doubly tragic:

First, because it can only serve as a painful source of embarrassment to a notable university.

Second, because the development of a truly successful cigarette filter would surely rank as one of the greatest blessings to the millions of Americans who cannot, or will not, give up smoking.

I trust that no one will now seek to foster a false sense of security among cigarette smokers through misleading commercial exploitation of Columbia's earlier injudicious endorsement of the Strickman filter.

I hope that the lesson to be drawn from these events is not that the search for a safer cigarette is hopeless—but that the search must be carried out soberly and scientifically. For the value of any development in filter technology should be established beyond a reasonable doubt before, and not after, great public expectation has been generated through public claims and ballyhoo.

In the future, let testing be done by scientists, not promoters.

I ask unanimous consent that background correspondence with President Kirk and an abstract of Dr. Halford's report be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

OCTOBER 16, 1967.

Dr. GRAYSON KIRK,
President, Columbia University,
New York, N.Y.

DEAR DR. KIRK: Recently I have noticed recurring newspaper articles which suggest that Columbia University may soon enter licensing agreements with various cigarette manufacturers which will authorize them to use the Strickman Filter. I recall that when you testified before the Commerce Committee in August, you stated that ". . . until a testing program—a very extensive testing program—is completed and the results prove entirely satisfactory, we will not license any cigarette company anywhere in the world." Subsequently you indicated that the pressure drop of the filter and the taste of the cigarette would be two of the many aspects of the filter which would be extensively tested. If it is true that you are contemplating entering licensing agreements in the near future, I would appreciate very much receiving copies of the test results which demonstrate the filter's effectiveness.

You may also recall that at the hearings you stated that Columbia intended ". . . to work with and cooperate fully with the Surgeon General" in testing the effectiveness of the filter. I would appreciate learning whether you have, in fact, been in contact with the Surgeon General and, if so, with what results.

I look forward to hearing from you, and I thank you for your cooperation.

Sincerely,

WARREN G. MAGNUSON,
Chairman.

COLUMBIA UNIVERSITY,
IN THE CITY OF NEW YORK,
New York, N.Y., October 20, 1967.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: I am writing at once to respond to your letter of October sixteenth concerning newspaper articles alleging that Columbia would soon enter into licensing agreements for use of the Strickman cigarette filter by various manufacturers.

Let me assure you that such statements have not been authorized by the University. On the contrary, we have repeatedly conveyed to the Strickman group our view that no further public comment should be made until such time as the University is prepared to make a formal announcement concerning its future plans with respect to the filter. Thus, on October eleventh our counsel wrote to the counsel for the Strickman interests urging that no such public statements be made. His letter said, "Unless the practice ceases immediately, the University will feel obliged to issue detailed retractions of the claims being made by your client."

Pursuant to the statement which I made before your Committee, I invited shortly thereafter, Dr. Ralph Halford, one of our distinguished professors of Chemistry and former Dean of our Graduate Faculties, to organize a comprehensive testing program to be conducted under his personal direction. This program is under way and its results, of course, will be shared with you when the task has been completed and the results evaluated.

With reference to my statement about our desire to involve the Office of the Surgeon General in a testing program, I enclose for your information a copy of a recent letter from the Dean of our College of Physicians and Surgeons to Dr. Philip Lee, Assistant Secretary of the Department of Health, Education, and Welfare. I send this merely to indicate the fact that we are by no means unmindful of our stated desire to bring about this involvement in the program.

It was good of you to write me about this matter of mutual concern. I trust that this reply is fully responsive to your inquiry.

Sincerely,

GRAYSON KIRK,
President.

THACHER, PROFFITT, PRIZER,
CRAWLEY & WOOD,
New York, N.Y., October 25, 1967.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
Senate Office Building,
Washington, D.C.

DEAR MR. CHAIRMAN: Supplementing Dr. Kirk's letter of October 20, 1967, I enclose for your information Dr. Lee's letter to Dean Merritt, dated October 18th, and Dr. Merritt's preliminary reply, dated October 23, 1967. I shall keep you advised of further developments in this regard.

Sincerely yours,

JOHN W. WHEELER.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
October 18, 1967.

H. HOUSTON MERRITT, M.D.,
Dean, Columbia University,
College of Physicians and Surgeons,
New York, N.Y.

DEAR DR. MERRITT: Thank you for your letter of September 28. We appreciate your offer to have scientists from the Public Health Service visit the laboratory that the University has established for the testing of the Strickman Filter. I am requesting that Dr. Paul Kotin, Director of the Division of Environmental Health Sciences, and Dr. Hans Falk, Scientific Director for Carcinogenesis, National Cancer Institute, contact you or your designate directly to arrange a visit in accordance with your suggestion. We believe that the purposes of the visit are important and look forward with extreme interest to hearing of its results.

With best wishes.

Sincerely yours,

PHILIP R. LEE, M.D.,
Assistant Secretary for Health and Scientific Affairs.

COLUMBIA UNIVERSITY,
COLLEGE OF PHYSICIANS AND SURGEONS,
October 23, 1967.

Dr. PHILIP R. LEE,
Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, Washington, D.C.

DEAR DOCTOR LEE: Thank you for your letter of October eighteenth.

Dr. Ralph S. Halford, Assistant to the President, has been assigned by him to supervise the study of the Strickman filter. I have asked Dr. Halford to get in touch with you with regard to the proposed visit of Dr. Paul Kotin and Dr. Hans Falk.

Please allow me to express to you our sincere thanks for your interest and help in this problem.

Sincerely yours,

H. HOUSTON MERRITT, M.D., *Dean.*

JANUARY 18, 1968.

Dr. GRAYSON KIRK,
President, Columbia University,
New York, N.Y.

DEAR MR. KIRK: As you can well imagine, I was greatly disturbed at the content of last night's ABC News account about the Strickman filter, and by the manner in which it was released. Since I had understood that both the Public Health Service and the Commerce Committee would be fully informed about Columbia's testing program, prior to the publication of any claims for the Strickman filter, I was particularly troubled at hearing the unsupported statement that the filter "will be 50% to 60% better than conventional filters."

I deeply regret that those people associated with the Strickman filter have again resorted to this type of unsubstantiated promotional campaign, and I believe that it is extremely important to the general public that the record be clarified immediately.

As I see it, two of the critical questions to be answered are:

1) Was the filter compared with the most efficient filters now available?

2) Is the filter 50% or 60%, or indeed any significant percent, "better" than such filters?

I am enclosing a memorandum which the staff of the Commerce Committee informs me contains formulas which have been generally accepted by those knowledgeable in filter technology as the proper basis for comparing the relative efficiency of various filters.

I would appreciate receiving the judgment of your experts as to the validity of this method of comparison. If your experts agree that the outlined approach is valid, then I expect that it will be possible to place the Strickman filter within the range of values suggested in the memorandum.

Sincerely yours,

WARREN G. MAGNUSON,
Chairman.

CIGARETTE SMOKE FILTRATION AND EVALUATION OF FILTERS

The measurement of two basic parameters is required to evaluate a candidate filter for nonselective filtration properties of the smoke aerosol. The accepted means of measuring these two parameters is discussed below, and some representative data pertaining to commercial and experimental cigarette filters are discussed.

Pressure drop is that quantity obtained when the pressure differential between two points is determined. In the case of cigarette filters, it is the pressure difference between the two ends of the filter at a normal air flow of 17.5 cc./sec. at 75° F. and 1 atmosphere. The pressure difference is usually expressed in centimeters or inches of water. Most filter tips in use fall within the range of 2.0–12.0 cm. of H_2O.

Efficiency of a cigarette filter is a measure of the fraction of smoke retained by the filter. If we use the notation S_2 to represent the smoke presented to the filter, and S_1 the smoke passing the filter, the efficiency (E_F) may be expressed as.

$$\frac{S_2-S_1}{S_2}=E_f$$

S_1 may be measured by smoking cigarettes under standard conditions (35 cc puff, 2-second duration, 1-minute frequency, at 75°F and 60% relative humidity) and obtaining the dry TPM yield according to the procedure employed by the FTC. S_2 is measured on cigarettes smoked to the same butt length as for S_1 but with the filter material removed from the tip.

The quantity $\mathbf{E_f}$ may be related to pressure drop by the following expression

$$\ln(1-E_f)=-\Delta P\frac{A}{V}B$$

where A is the cross sectional area of the filter tip, V the air velocity and B a constant characteristic of the filter material. For most commercial filters A has a value of approximately .502 cm.² and V is 17.5 cm.³/sec. Using these values and converting to the base 10, the expression becomes

$$\frac{\log(1-E_f)}{\Delta P}=-.0125\,B$$

The greater the value of B, the better the filter. Fordyce et al., *Tob. Sci. V 70* (1961) have shown experimentally that this expression is valid for the range of pressure drop and materials which are used to make commercial filters.

Values of B, called sigma by Fordyce, range from 2.0 for a 5-denier cellulose acetate filter to 5.4 for a paper filter. Using smaller denier acetate fibers of about 2 denier, it is possible to obtain B values of 3 or even greater (3.5) by incorporating finely divided additives. Although paper filters have limited commercial acceptance, specially designed cellulose filters have demonstrated B values in excess of 6.5.

Using the range of B values of 2.0 for a poor acetate filter to 6.0 for a superior paper filter, one may calculate a practical range of E_b for filters of the same pressure drop. Using a pressure drop of 6.0 cm. of H_2O, which is easily within the commercial range, the obtainable efficiency range is estimated as .29 to .64.

From this discussion, it should be clear that any filter material evaluation must involve both pressure drop and efficiency measurements. If two filters are compared at equal pressure drop, circumference and length, at several different points, values of B can be computed and valid comparisons made.

	Efficiency (E_f) B value		
	3.0	4.5	5.4
Pressure drop (ΔP):			
4 cm	0.30	0.41	0.46
6 cm	.40	.51	.60
8 cm	.50	.64	.71
10 cm	.58	.72	.79
12 cm	.64	.79	.84

Note: B=3.0 Corresponds to a good commercial cellulose acetate filter, similar to those supplied by Eastman. B=4.5 Corresponds to a poor cellulose filter, similar to those used on Marvel 85-mm. cigarettes. B=5.4 Corresponds to a good cellulose filter, as reported by Fordyce et al., Tob. Sci. V 70 (1961).

COLUMBIA UNIVERSITY,
IN THE CITY OF NEW YORK,
February 23, 1968.

Hon. WARREN G. MAGNUSON,
Chairman, U.S. Senate Committee on Commerce, Old Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: My reply to your letter of January 18 respecting the Strickman Filter has been delayed by the necessity of my consulting Dr. Ralph S. Halford and Dr. Gordon I. Kaye, of our faculty, with respect to the answers to the questions asked in your letter, and by the now realized hope that I would be able to send you Dr. Halford's Report.

Preliminarily, I should like to assure you that we at Columbia were as disturbed as you at the content of the ABC News account about the Strickman Filter telecast on January 17. I can assure you that the broadcast was neither instigated nor condoned by anyone on behalf of the University.

In reply to your first numbered question, Dr. Halford advises me that:

"The Strickman Filter has been compared by us only to Cellulose Acetate, chosen because of its popularity with the cigarette industry, but the comparison has been conducted in a manner that is consistent with the method outlined by Senator Magnuson's staff in the attachment to his letter. It was our expectation, which is strongly reinforced by that attachment, that the results of our one comparison could be interpreted by other laboratories to furnish immediate comparisons of the kind with all other filter materials which might have been studied heretofore by them. Given this expectation, it seemed to us that our better choice would be to concentrate our efforts entirely upon conducting the one comparison with high precision, rather than to conduct a number of comparisons with materials lacking acceptance and with lesser precision, which might invite debate over the significance of the quality of our findings."

Relative to your second numbered question, Dr. Halford is delivering with this letter a copy of his Report, dated February 19, 1968, entitled, "The Mechanical Filtration Efficiency of Strickman Filter Material and Cellulose Acetate Filter Material." The Halford Report does not answer your second question categorically. As indicated by its title, it is concerned only with the relative mechanical efficiency of the Strickman Filter material when compared to selected cellulose acetate filter material. Such subjective matters as taste, which might be considered as a third parameter for the comparative evaluation of any specific application of filter material in a particular filter, have not been tested.

With respect to your final paragraph, I understand from Dr. Halford that he considers valid the method of comparison outlined in the memorandum enclosed in your letter of January 18, and that it will be possible, on the basis of the Halford Report, to place the Strickman Filter within the range of values suggested in your memorandum, if a conversion factor of 35 is used.

I have also asked Dr. Halford to hand you, with this letter and his Report, a confidential advance copy of the press release which we propose to issue at noon on Wednesday, February 28, when we announce our disengagement from the Strickman Filter project and our delivery to you of the Halford Report. I am informed that your release of the Halford Report will occur between that time and the close of business on Friday, March first.

Would you also be good enough to make available to Dr. Kotin the enclosed second copy of the Halford Report?

With warm regard, I remain,

Sincerely,

GRAYSON KIRK,
President.

THE MECHANICAL FILTRATION EFFICIENCY OF STRICKMAN FILTER MATERIAL AND CELLULOSE ACETATE FILTER MATERIAL

(A report submitted by Dr. Ralph S. Halford, Feb. 19, 1968, copyright, Heights Educational Foundation, 1956)

ABSTRACT

The filtration of cigarette smoke is basically a physical or mechanical process with consequences that can be assessed and described further in chemical or biological terms. Physical principles alone serve to place an upper limit upon the possible extent of the removal of each kind of constituent of the smoke by any specified filter and to relate that upper limit quantitatively to certain easily measurable characteristics of the filter. Chemical considerations serve to determine whether the upper limit so set is in fact achieved with each individual kind of constituent and to account for a new aspect of selectivity in the removals of constituents. Distinctions evidenced by patterns in the psychological and physiological responses of smokers to the physically and chemically governed removals of constituents, or demonstrated with biological test systems, serve to associate qualities of other kinds with examples of filters.

Comparisons of different filter materials in search of differences in their qualities discernible at the biological level, such as a greater or lesser impairment of some biological function, should be conducted with filter specimens that are matched in an appropriate respect at the level of their physical descriptions. Only in this way can one be certain that a differential of response associated with a distinctiveness of individual quality will be neither obscured by nor confused with an ordinary variation of response that can be expected in any case with the same filter material at different physical descriptions. The same precaution applies to the search for evidences of selectivity of filtration at the chemical level of description. An exact characterization of its performance exclusively in physical terms is a first prerequisite to the systematic search with any filter material for individual distinctiveness

in its performances at the chemical and biological levels.

This report is concerned with the necessary characterization, exclusively in physical terms, of the performance of Strickman Filter Material. To permit assessment of the validities of our methods and findings, by others who lack access to Strickman Material, we have conducted with the closest possible parallelism a similar characterization of the performance of a species of cellulose acetate filters.

Measurements were obtained with 960 test cigarettes, 60 each of sixteen different descriptions specially assembled for the purpose, of their pressure drops individually both before and after smoking, and of related amounts of particulate matter collected from their smokes. The sixteen descriptions included four subsets, corresponding to the four possible combinations among two tobacco blends yielding different amounts of particulate matter and the two filter species, cellulose acetate and Strickman Material.

The members of each subset of four descriptions, with tobacco blend and filter material in common, differed only in the pressure drops of their filters which were intended to be either 0, 10, 15 or 20 cm, measured on the scale of a water manometer, and as nearly alike as possible from subset to subset. All measurements of both kinds, pressure drop and amount of particulate matter, were fitted for each subset separately to a mathematical equation that is descriptive of the process of aerosol filtration. The fitting determines for each subset a single number that is an index of the performance of its filter species in any and all observable situations.

Comparisons among the four separate fittings establish that the index of performance for each filter material remains unchanged by the substitution of the one tobacco blend for the other and that the indices differ for the two filter materials. When the fittings are made with the equation

$$\ln Mp = \ln Mo - Kp$$

wherein Mo and Mp are respectively the amounts of particulate matter that enter into and emerge from a filter with pressure drop p, the index of performance K is found to be 0.0693 for cellulose acetate and 0.0773 for Strickman Material. When the fittings are made instead with the equation

$$\ln Mp = \ln Mo - Kp + Ck^2p^2$$

the reproduction of the data is substantially improved. The new coefficient c is sensibly steady from fitting to fitting and equal on the average to 0.112, with k equal to 0.0881 for cellulose acetate and to 0.1045 for Strickman Material. The standard deviations in the separate fittings are similar from fitting to fitting with the same equation and equal on the average to about 0.0018 for K and to about 0.0045 for k. The relationship between the two equations is contained in the substitution $K = k(1 - ckp)$, which implies that K varies with pressure drop whereas k does not. The index of performance is thus more precisely defined in absolute terms by k than by K. In either case the larger index is indicative of a correspondingly better performance.

To verify the applicability generally of these findings, and to inquire into some of their consequences, further measurements were undertaken of the reductions produced in the amounts of particulate matter in the smokes from six well known brands of cigarettes, purchased at a local supermarket, when their filters as supplied were replaced by filters of Strickman Material with similar pressure drops. The results of these measurements were also transformed with the aid of the same mathematical equation into measures of the change of index of performance resulting from the substitution of filters. For four of the six brands the change is indistinguishable from the difference of indices determined with the special test cigarettes, a result which demonstrates that the cellulose acetate used for construction of the test cigarettes is representative of the material supplied with purchased cigarettes, and that the results of our observations with test cigarettes containing Strickman Material are directly applicable to the modified market cigarettes.

It follows from these findings that the reduction in the amount of particulate matter that can be expected ordinarily to result from the substitution of a filter of the Strickman species for the one as supplied with a purchased cigarette, when both filters have the same pressure drop, is about 2.5 mg. With one of the six brands the reduction is perhaps as great as 4 mg. and with another its occurrence is doubtful at best. Greater reductions than these can be achieved only by elevating the pressure drops of the filters of the Strickman species.

To achieve a common level of 10 mg. of particulate matter in the filtered smokes with the purchased cigarettes would require an elevation of pressure drop of the filter of the Strickman species ranging from 4.5 to 10 cm., depending upon the brand. This same reduction in the amounts of particulate matter, to a uniform level of 10 mg., could be achieved also with cellulose acetate by a further elevation of pressure drop amounting to between 2.5 and 3.5 cm.

The observations reported here were designed to furnish a direct comparison in terms of amounts of particulate matter in the filtered smokes, of the performances of filters of two different species with closely similar if not identical pressure drops. Those of the observations with the special test cigarettes should provide also, however, through the separately derived indices of performance, indirect measures that would be reproducible from laboratory to laboratory despite differences of choices of tobacco preparations and of other details of experimental procedure. We expect accordingly that our measure for the index for cellulose acetate, when interpreted with due regard for the quadratic form of the equation with which it is associated, will coincide within reasonable limits with the measures accepted for it in other laboratories where indices of performance are known also for other filter materials. If so, it will be possible for those other laboratories to extend the one comparison reported here into further comparisons of Strickman Material with other filter materials.

Comparisons of indices of performance can be indicative only of distinctions to be drawn between filter materials at the physical or mechanical level of description of filtrations. Similarities or differences of performance at this level neither preclude nor reveal distinctions of other kinds which may or may not be discernible at the chemical or biological levels of descriptions of filtered smokes. An appropriate program of investigations with Strickman Material in search of distinctiveness of performance at the chemical or biological levels remains still to be undertaken but its general outline can be stated. Smokes to be compared in chemical composition or for biological responses must be produced with filters of the different species which are properly matched in performances at the physical level in order that differences detected at the chemical or biological levels do not simply mirror an ordinary variation at the physical one. Possession of the knowledge represented by indices of performance is thus a prerequisite to the search for distinctions of other kinds. The further search with Strickman Material for those distinctions of performance which are discernible only at the chemical and biological levels of description requires for its proper conduct the prior accumulation and careful utilization of the information furnished by the present report.

One such distinction at the chemical level, over and above the one already drawn at the physical level in terms of the indices of performance, can be cited as a by-product of the present work. Analyses performed with some of the samples of particular matter collected in this study indicate quite consistently that the proportion of nicotine is lower when the filter consists of Strickman Material than with cellulose acetate. The proportions of nicotine indicated by the analyses are 4.62% ± 0.48 with Strickman Material and 5.75% ± 0.37 with cellulose acetate, in the particulate matters surviving exposure to each species of filter, independent of the choice of tobacco used in the test cigarettes and of the pressure drop of the filter.

FAILURE OF SENATE TO RATIFY HUMAN RIGHTS CONVENTIONS IS CONTINUING SOURCE OF U.S. EMBARRASSMENT

Mr. PROXMIRE. Mr. President, one of the sad consequences of the Senate's inaction on the human rights conventions is the undermining of our position at the United Nations. The United States, once a leader in espousing human rights at the U.N., has now become a laggard.

U.S. leadership in human rights was epitomized by the fact that in 1947 it was Mrs. Franklin D. Roosevelt who was chairman of the committee which drafted the Universal Declaration of Human Rights.

But what was once leadership has now, too often, turned into embarrassment. This is seen in a report from a recent meeting of the U.N. committee charged with handling Human Rights Year:

> Mrs. Warzazi (Morocco) thanked the Director of the Human Rights Division for that information. The United States, which had proposed a sub-amendment to add a reference in agenda item 11 of the Conference to measures to strengthen "the defence of human rights and freedoms of individuals," had not yet ratified the Convention on the Elimination of All Forms of Racial Discrimination or some of the other human rights conventions.

What is happening is clear. When the United States tries to take the initiative on human rights at the U.N., our delegates are reminded of the failure of the United States to ratify any but one of the human rights treaties.

The question is clear: Shall we give lip service to the U.N.'s struggle for human rights, or shall we give real support to the U.N. and our delegates by ratifying the human rights conventions? I urge the Senate to ratify the Conventions on Forced Labor and Political Rights of Women. In this way we can reestablish U.S. leadership in the field of human rights.

HARVARD LAW SCHOOL STUDENT AND FACULTY STATEMENT ON VIETNAM

Mr. GRUENING. Mr. President, on February 19, 1968, the Wall Street Journal published an advertisement signed by 39 members of the faculty and 716 students at the Harvard Law School protesting the U.S. military involvement in Vietnam.

The protest points out that the United States has no "controlling commitments

which require us to continue to pursue that policy" and that "the terrible violence the war is inflicting on the people of Vietnam is destroying the society we seek to protect."

The advertisement makes a special appeal to lawyers to voice their opposition to the escalated military involvement of the United States in Vietnam as a means of showing that opposition to the present policy is not limited to a few extremists but comes from many moderate citizens at all levels of society and of all political views.

As more and more attempts are made by the administration to gloss over or censor what is actually taking place in Vietnam, the voices of dissent in the United States will grow in numbers and intensity, especially as more and more people inform themselves on the realities, rather than the myths, of how the United States has become mired in the quagmire that is Vietnam.

I ask unanimous consent to have printed in the RECORD the advertisement entitled "A Statement on Vietnam," sponsored by the ad hoc committee of the Harvard Law School.

There being no objection, the advertisement was ordered to be printed in the RECORD, as follows:

A STATEMENT ON VIETNAM

The undersigned are 39 members of the faculty and 716 students at the Harvard Law School.

We are opposed to the present policy of the United States in Vietnam. We do not believe that our nation has any controlling commitments which require us to continue to pursue that policy.

We believe that the United States cannot by acceptable means succeed in its attempt to secure and maintain the control of the Saigon government over the territory of South Vietnam by military force, and that the continuing expansion of our military involvement in the service of that end creates an unacceptable risk of world war.

We believe that the terrible violence the war is inflicting on the people of Vietnam is destroying the society we seek to protect.

We believe that it is wrong and dangerous in these cricumstances to continue to subordinate desperately needed domestic programs to the increasing demands this war is imposing on our nation's resources and moral energies.

We reject the suggestion that opposition to the present policy necessarily implies advocacy of a precipitate withdrawal of United States forces or an abandonment of our supporters in South Vietnam.

We do believe that political and military deescalation are essential steps toward ending the fighting in Vietnam.

We believe that our country should take urgent steps, including a prompt reduction in the scope of land and air operations by American forces, to signify our intention to limit our political and military aims in South Vietnam. We believe that such steps are an essential precondition for the release of those political forces, both within South Vietnam and internationally, which seek peaceful compromise and could engage in genuine negotiations.

We believe that lawyers can play a particularly significant role in showing that opposition to the present policy is not limited to a few extremists but comes from many moderate citizens at all levels of society and of all political views. We therefore urge lawyers who share our concerns to work for a change in that policy in every legitimate way they can, including the support of candidates committed to such a change.

Faculty: William D. Andrews, Paul M. Bator, Donald H. Berman, Harold J. Berman, Stephen G. Breyer, Clark Byse, David F. Cavers, James H. Chadbourn, Jerome A. Cohen, Vern Countryman, William J. Curran, John P. Dawson, Alan M. Dershowitz, Richard H. Field, Charles Fried, Lon L. Fuller, Sondra G. Goldenfarb, Elwood B. Haines, Jr., Henry M. Hart, Jr., David R. Herwitz, Louis L. Jaffe, Keith A. Jones, Benjamin Kaplan, Louis Loss, John H. Mansfield, Frank I. Michelman, Charles R. Nesson, Lloyd Ohlin, Oliver Oldman, Albert M. Sacks, Frank E. A. Sander, David L. Shapiro, Edward F. Sherman, Henry J. Steiner, Samuel S. Thorne, Donald T. Trautman, Detlev F. Vagts, James Vorenberg, Lloyd L. Weinreb.

Students: Kenneth W. Abbott, Stuart R. Abelson, Michael E. Abram, Paul Frederick Abrams, Roger I. Abrams, Irving Adams, Thomas Adams, Robert Adkins, Lawrence A. Agran, Elizabeth Ainslie, Duane C. Aldrich, William Alsup, Michael L. Altman, Richard Ames, Frederick Anderson, Christopher C. Angell, George Annas, J. Gordon Arkin, Carl R. Aron, Mark G. Aron, Peter Aron, Stephen Arons, Sanford Asher, Harold A. Ashford, Jack Auspitz, Donald G. Avery, James V. Babcock, John M. Babington, Joe D. Bailey, R. Lisle Baker, Morris J. Baller, Phillip M. Barber, Joshua Barlev, Terry A. Barnett, John C. Barrett, M. Pope Barrow, Jr., David A. Barry, David E. Barry, Marshall P. Bartlett, Edmund C. Barton, Sandra Baskin, Randall C. Bassett, Elizabeth E. Bates, Patrick Baude, Joseph P. Bauer, Stuart Bear, Charles J. Beard, Lawrence J. Beaser, Joseph M. Beck, Jay Becker, Henry Becton, Harold Beeler, Marshall Beil.

L. Graeme Bell III, Robert M. Bell, Stephen B. Bell, C. Robert Belt, Stuart Benjamin, James A. Bensfield, James B. Benson, Samuel R. Berger, Richard Berkman, Jeffrey S. Berlin, David M. Berman, W. B. Bernard, Jr., Mike Berner, Stephen Berzon, Elbert Bishop, Jr., Paul D. Bishop, Howard Bittman, V. David Bjerum, Dennis Black, B. Allen Blackburn, Markaret Blettner, Stephen G. Block, Herschel Bloom, Elizabeth Blum, Jacob Blum, Bruce Blumberg, Bruce Bodner, Joseph A. Bondi, Dorothy Bonner, Richard D. Borgeson, Donald Boyd, Nancy Braxton.

Donald S. Breakstone, George M. Britts, William H. Bradley, Lee Carl Bromberg, Joshua H. Brooks, Jr., Mark W. Brown, Ronald, L. Brown, Robert R. Bruce, Harold H. Bruff, Peter A. Buchsbaum, Keith E. Buck, Mark Budnitz, Robert Bunn, A. Franklin Burgess, Jr., Pamela Burgy, Michael Burke, Peter H. Burling, Philip Burling, Bruce L. Bushey, Philip D. Caesar, Daniel G. Caldi, Dennis Callahan, James J. Callan, Catherine E. Campbell, Duncan A. Campbell, Anthony C. Castelbuono, Samuel D. Chafetz, John Chambliss, Barry Chase, Richard R. Cheatham, Daniel R. Chemers, Mark A. Chertok, Boake Christensen, Alphonso A. Christian, James W. Christie, Lawrence C. Christy, J. Morris Clark, Steven A. Clark, Stephen E. Clark, Timothy Clay, George H. Clyde, Jr., Robert Coats, David J. Cocke, Harold Cohen, Jon S. Cohen, Kenneth A. Cohen, Warren H. Cohen, James H. Coil, Emreid Cole, Jr., Virginia Coleman, Richard M. Conley, Peter J. Contuzzi, Peter W. Coogan, Martin S. Cooper, Peggy Cooper, R. John Cooper, Eric K. Copland, Robert Cowden, Joseph Coyne, Robert D. Crangle, Cynthia Crounse, Michael Crowell, Michael Bayard Crutcher, James E. Davidson.

James S. Davis, Richard S. Davis, Bartley C. Deamer, Ronald, J. DeFelice, John J. Degnan, Terence R. Dellecher, A. L. C. de Mestral, Donald F. Devine, Jacob C. Diemert, Dean J. Dietrich, James S. Dittmar, Colin S. Diver, G. Lowell Dixon, N. Lowell Dodge, John C. Doherty, Charlie B. Donaldson, Jr., Charles D. Donohue, David A. Drachsler, Pablo Drobny, Eugene Z. DuBose, Michael S. Duhl, Wolcott B. Dunham, Jr., Gerald Dworkin, Cornelius J. Dwyer, Jr., Fulton B. Eaglin, Daniel B. Edelman, Jacob Edelman, Michael Edelson, Gary Elden, Michael B. Elefante, Michael Eliasberg, Harlan Reed Ellis, Richard Ellman, Dana S. Elsbree, Hugh Elsbree, Nancy D. Elsenpeter, John R. Evans, Steven N. Farber, Marc S. Fasteau, John C. Fauvre, Brenda S. Feigen, Frank J. Fekete, Daniel E. Feld, Earl Nelson Feldman, Robert C. Fellmeth, Nicholas Fels, Robert A. Ferguson, Noel Fidel, Marguerite B. Filson, Sheldon Fink, Ira A. Finkelstein, Amanda Fisher, Bruce Fisher, Charles L. Fishman, Mark Fishman, Tony Fitch, Leonard Flamm, Steven M. Fleisher, Nancy A. Fluhr, Patricia A. Flynn, Amy R. Fogel.

Patrick M Folan, Maurice Ford, Stephen D. Ford, III, Mark W. Foster, Barry M. Fox, Jeffrey Frackman, George T. Frampton, Jr., Theodore D. Frank, Allan Roy Freedman, Dale C. Freeman, Joan L. Freeman, Joan Friedland, Barton Friedman, Leonard R. Friedman, Michael K. Friel, Stuart Frisch, Rosemary Gaines, Bette B. Gallo, Gregory M. Gallo, Howard M. Garfield, Lawrence J. Gartner, Jack Garvey, John C. Gault, Stephen M. Gelber, Michael T. Gengler, Gary G. Gerlach, Miles M. Gersh, Alan Gershenson, Joel D. Gewritz, Carol Gibbons, Mary K. Gillespie, Reginald E. Gilliam, Jr., Alan D. Gilliland, Mark Ginsburg, Robert Ginsburg, Dorothy Glancy, Donald Glazer, Daniel Gleason, Jean Gleason, Elliot L. Glickler, Richard A. Glickstein, Stephen A. Goddard, Martin E. Gold, Gerald Goldman, Irving J. Golub.

Jorge R. Gonzalez, Noel Gonzalez-Mirande, Richard P. Goodkin, Louis Goodman, William D. Goodrich, George D. Gopen, Albert R. Gordon, George Goverman, Stuart W. Graham, Thomas R. Graham, Anthony F. Granucci, Harold H. Green, Mark Green, Eldon Greenberg, Alan Greene, Ronald J. Greene, Mark Greenwold, Jon M. Gregg, E. Z. Griffin, L. Robert Griffin, Noah W. Griffin, I. M. Grigg-Spall, Richard Grimsrud, Richard Grisham, Allan Gropper, Richard L. Grossman, Arthur S. Grove, Jr., Harry L. Gutman, Edward Haber, John Haiges, G. Emlen Hall, Matthew W. Hall, Richard E. Hall, Jill Slater Halpern, Louis H. Hamel, Carl Hanemann, Kenneth Harman, Rick Harrington, Eric Harris, Richard E. V. Harris, Donald Harrison, Gregg Harrison, L. Scott Harshbarger, John G. Hartnett, Robert L. Haskins, Thomas C. Hayes, Marc I. Hayutin, Michael K. Heaney, Quentin G. Heisler, Donald A. Henderson, Jr., David J. Herman, Bruce L. Herr, Arthur J. Heath.

Michael S. Helfer, Stanley M. Helfman, Lewis Henkind, John Herman, Federico R. Hernandez, Michael T. Hertz, Tom Hervey, David Herzer, Miriam Herzfeld, James Herzig, Jonathan W. Hewes, Roger P. Heyman, James W. Hill, Rich-

ard R. Hill, Edward F. Hines, James M. Hines, Alan R. Hoffman, Christian M. Hoffman, Richard B. Hoffman, Christoph Hoffmann, John Silas Hopkins III, Cyrus E. E. Hornsby III, Edward F. Howard, Penny Howe, Herman H. Howerton, James Hoyte, Keith L. Hughes, Joseph F. Hunt III, Thomas Hurst, Richard Iacobucci, Kathleen Imholz, Alexis Jackson, Jerold L. Jacobs, Joseph Jacobson, Laurence F. Jay, Alan R. Johnson, Barnabas D. Johnson, Herbert G. Johnson, Joel Johnson, Philip C. Johnston, Marva P. Jones, Howard L. Joseph, Bernard S. Kamine, Kevin P. Kane, John Kantrowitz, Arthur Kaplan, Martha J. Kaplan, Myron L. Kaplan, Lawrence E. Katz, Martin Lewis Katz, Allan Kasen, Henry R. Kaufman, John E. Keegan, Leon B. Kellner, J. Patrick Kelly, Patrick J. Kenny, John A. Kidwell.

William J. Kilberg, Sanford King- Smith, James A. Kierman III, Peter Kimmelman, Neil J. King, Patricia A. King, John E. Kirklin, David H. Kirkpatrick, David L. Kirp, Joel Klaperman, Joel I. Klein, Elton B. Kilbanoff, Michael Klowden, William T. Knox, Jr., Derek Thomas Knudsen, Robert Kohl, Bruce R. R. Kohler, Robert N. Kohn, Glenn S. Koppel, John H. Korns, Donald D. Kazusko, Douglas J. Kramer, Franklin D. Kramer, Sanford Krieger, Thomas E. Kruger, Jr., Beryl Kuder, Moshe J. Kupletzky Lewis S. Kurlantzick, Paul Labin, Jane M. Lakes, William Lampe, Edgar Folk Lambert III, Claude G. Lancome, David R. Landrey, Jay F. Lapin, Richard P. Lam, Helene S. LeBel, Eric H. M. Lee, Larry H. Lee, Sheldon S. Leffler, Robert Lehrer, Robert Lem, Stephen Leonard, Kenneth A. Letzler, Andrew Levin, John Levin, Michael H. Levin, Mel Levine, Lawrence A. Levitt, David A. Levitt, Jaffrey A. Lewis.

Ogden N. Lewis, Reginald F. Lewis, Reginald C. Lindsay, Joel A. Linsider, Michael J. Lippe, David R. Lipson, S. William Livingston, Jr., Eloise Logsdon, Berndt G. Lohr-Schmidt, Roger Lowenstein, Michael L. Luey, Philip J. Luks, Dennis Lynch, Philip A. McBlain, C. T. McCarty, Michael McCloskey, Merle McClung, Alexander A. McDonnell III, James R. McGibbon, Robert Stuart McIlroy, Robert McIntosh, Michael J. McIntyre, James W. McMahon, Kevin C. McMahon, James M. McNamara, Richard J. McManus, Joseph D. Mach, Ken Machida, Robert Maddox, Earl M. Manz, Jonathan M. Marks, Patricia Marschell, Howard Matz, Cornelius W. May, David A. Mead, James Meade, James Medas, Dennis Meir, Ken Meiser, Thomas R. Meites, Thomas Mela, Douglas Melamed, Brian Meltzer, Michael J. Merenda, Lorenzo C. Merritt, Joseph E. Meyer, Paul Meyer.

William R. Meyer, Richard S. Mezan, Bruce K. Miller, Martin D. Minsker, Stephen A. Mintz, Richard Minzner, Robert H. Mnookin, Stephen F. Moeller, Stephen B. Moldof, William B. Mone, Susan Moo, John M. Mooney, Beverly Moore, Steven H. Mora, Thomas H. Moreland, G. Marshall Moriarty, Justin P. Morreale, Guy Moss, David Muchnick, Douglas A. Muir, Mary Mullarkey, William Murphy, Alden Myers, Kenneth Paul Neiman, Kenneth Nemzer, Jennings J. Newcom, Raymond Newkirk, Jeffrey M. Nobel, Michael F. O'Connell, Kenneth Alan Odell, Kenneth F. Oettle, Robert H. Olson, Patrick B. O'Neal, Martin M. Ossad, Douglas S. Palmer, Jr., Terrence R. Pancoast, Roger C. Park, Mark Packer, Richard Parker, William V. Parker, Philip S. Parsons, Nancy L. Pasley, Pickens Patterson, Gerald G. Paul, Don M. Pearson.

Roger D. Pearson, William F. Pedersen, Jr., Jared E. Peterson, Mark Peterson, Jeffrey Petrucelly, Michael Pickard, Toni Pickard, Jotham D. Pierce, Jr., Kenneth Pigott, Kenneth A. Pleran, Norvell Plowman, Richard D. Pomp, Roger B. Pool, Philip M. Poulson, Arthur Powers, Richard R. Plumridge, Harold L. Quadres, Irving A. Rachstein, Michael Radetzky, Michael Radner, Jed Rakoff, James Ranney, Gerald F. Rath, William Rawn III, David J. Reber, Marc Redlich, Ronald S. Reich, Jean Margo Reid, Robert J. Reinstein, Joseph Remcho, Paul R. Rentenbach, Harold K. Ressler, William Reynolds, George Rice, Robert E. Rich, Howard M. Richard, Jay Riemer, Keith Roberts, John A. Robertson, Kenneth M. Robins, Timothy D. Roble, Samuel K. Rosen, Gerald A. Rosenberg, Robert J. Rosenberg, Allan P. Rosiny.

Richard M. Ross, Alan Rothfield, Alan Rottenberg, Ronald Rotunda, Emanuel Rouvelas, Thomas D. Rowe, Jr., Richard E. Roy, Paul Rubenstein, C. Lawrence Rutstein, Lawrence A. Ruzow, Alan Sachs, Joel Salon, William C. Samuels, Lyman G. Sandy, Luis Sanjurjo, Lewis D. Sargentich, Raymond T. Sawyer, Robert Sawyer, Robert Schafer, Philip W. Schaefer, Edmund S. Schaffer, Jane A. Schapiro, Lowell F. Schechter, Roger A. Schecter, Lois Schiffer, Kenneth R. Schild, Alan N. Schlaifer, Carol Schlesinger, Joseph R. Schmidt, Theodore J. Schneyer, Shel Schreiberg, J. Lawrence Schultz, Robert C. Schubert, Douglas Schwab, Alan Schwartz.

Edmund M. See, Eugene Severens, Richard T. Seymour, Henry W. Shaeffer, David Shakow, Thomas G. Shapiro, William A. Shapiro, Lawrence H. Sharf, Steven F. Shatz, Harvey M. Seldon, John O. Shellenberger, Philip Sherburne, Samuel A. Sherer, Fredrick Sherman, John A. Shetterly, Daniel Shulman, Martin J. Shulman, Stephen A. Siegel, Michael Siegler, Robert A. Silberman, Jonathan E. Silbert, Marc M. Silbert, Daniel B. Silver, William Silver, John Simmons, Morton J. Simon, Jr., Richard M. Sims, III, Robert J. Singer, Joel H. Sirkin, Irving Sitnick, William C. Slattery, David W. Sloan, Walter B. Slocombe, Charles J. Smiler, Margot Smiley, Dennis R. Smith, Joshua P. Smith, Michael E. Smith, Milton F. Smith, Robert G. Smith, Allen R. Snyder, David Snyder, R. S. Snyder.

Larry D. Soderquist, Nicholas A. Sordl, Jr., John D. Spence, Jr., Donald J. Stang, Thomas H. Stanton, Stuart M. Statler, Thomas D. Steiner, Jeffrey L. Steingarten, Charles M. Stern, Jeffrey S. Stern, Mark Stern, Stephen L. Stern, John M. Stevens, Russell B. Stevenson, Jr., N. Robert Stoll, Robert Stolzberg, David P. Stone, Greg E. Studen, Harold L. Stuts, Adrienne Sullivan, Gary Sutton, Howard A. Sweet, Peter J. Swift, William H. Taft IV, Daniel A. Taylor, Wayne Taylor, Norton F. Tennille, Jr., Charles D. Terry, Ralph Thanhauser, Samuel V. Thomas, Peter Tillers, John W. Timbers, Richard W. Tomo, Dennis R. Tourse, David Tripple, Harry P. Trueheart, John L. Truman, Robert Tuchmann, Richard Turbin, Albert Turkus, Benner Turner, Michael F. Vaccaro, Raul Valdes-Faull.

Diane G. Van Wyck, Philip Vargas, Constance M. Vecello, James M. Verdier, John M. Vine, Gerald D. Vinnard, M. Glenn Vinson, Jr., Anne M. Vohl, Owen Walker, Bruce Wasserstein, Mark Alan Weisberg, Alan S. Weltz, Raymond L. Wheeler, Jr., Daniel O. White, Joseph A. Whitehorn, Bruce G. Whitmore, John C. Wilcox, Thomas E. Willging, Barry Lawson Williams, Peter C. Williams, Robin J. Williamson, Prentiss Willson, Jr., Theodore Wilson, Michael Winer, Peter Winship, Harry L. Witte, Judith A. Wolf, Andrew M. Wolfe, Bruce Wolff, Dennis B. Wolkoff, Kimba M. Wood, Merle Wood, R. Robert Woodburn, Jr., Charles Wray, William E. Wurtz, H. Peter Young, M. I. Yucelik, Anthony Zaloom, W. L. Zeltonoga, M. David Zurndorfer.

Statements opposing our government's policy in Vietnam, signed by law professors and students at many of the country's law schools, are being published today in newspapers throughout the United States.

THE DUAL DISTRIBUTION SOUNDS DEATH KNELL FOR FREE ENTERPRISE

Mr. BARTLETT. Mr. President, last November, I invited the attention of the Senate to the insidious practice of dual distribution which is smothering small business in this country. As a member of the Select Committee on Small Business, I have a particular interest in this problem. As an American citizen who takes pride in the traditions and institutions which have molded this country and made it great, I take alarm at the ever-hastening disappearance of the small businessman. His demise, I fear, may close the curtain on free enterprise as we know it in this country. Yet, I see that curtain closing as more and more small businessmen, unable to compete with the corporations which grow larger and larger, are overwhelmed and succumb.

Dual distribution is a powerful weapon in the hands of manufacturers. Typically, it involves not just the manufacture of an item but the sale or distribution of it through an owned or controlled outlet. Through this device, the manufacturer can gain practically complete control of the market. He sets the wholesale price and sells to other dealers; then he enters into direct competition with those dealers by selling the same product at retail. Quite obviously, wholesale prices can be set at a price higher than the manufacturer's retail price or suffer a loss. Sustaining losses to meet competition provided by the manufacturer could not be long sustained.

Mr. President, my concern about this practice is great and steps should be taken to correct it.

Earlier this month, Frank J. Moch, executive director of the National Alliance of Television and Electronic Service Associations, wrote me a letter expressing the concern of his organization about the dual distribution practice. I ask unanimous consent that Mr. Moch's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ALLIANCE OF TELEVISION & ELECTRONIC SERVICE ASSOCIATIONS,

February 7, 1968.

Hon. E. L. BARTLETT,
U.S. Senator for Alaska,
Washington, D.C.

DEAR SENATOR: Reprint from the Congressional Record covering your comments of November 1st, 1967, encouraged the operators

of TV-radio service people, who almost totally are in the papa-mama and up to 4 person class of neighborhood businessmen rendering an essential service to the public.

Dual Distribution is progressively and at an accelerating pace destroying this, one of the last segments of free enterprise open to the little man.

Dual Distribution in our field is multiphase. It entails commodities and services, and often both are intertwined.

Service is our very life and yet there is a growing trend toward extended and usually unnecessary warranties on new sets. At best these are phony sales gimmicks to give the public false security. The fact is that a normal 90 day warranty is more than adequate to uncover design and quality deficiencies. Most extended warranties contain so much fine print as to be meaningless. This practice though bars the independent from competing except under the full controls, including price control and choice of parts used, by the factory. Yet in areas of lesser distribution, these factories are not interested in the buyer. This in our opinion creates a form of "dual distribution" patently to the full and exclusive advantage of the set manufacturer and his controlled sales agencies. It sets up dual distribution not only for replacement parts, but service as well.

A second form of "dual distribution" has long been cursing our businesses. It is wholesalers selling at retail. It has reached new heights in the recent acquisition of Allied Radio Corporation of Chicago by the Ling Tempco combine, and later acquisition of several companies producing electronic devices. Allied has always been involved in retail, wholesale, industrial and government sales and in manufacture. Most recently they have launched door to door circularizing for retail sales which is coupled with repetitive full page ads in metropolitan newspapers offering wares of the type our people sell, at prices often lower than our cost.

Without doubt companies buying as wholesalers have tremendous advantages when selling at retail. When they have added advantages such as broad operations as a result of being part of a massive combine, their retail position is completely overpowering.

We are certain that small businesses, those with less than 20 employees, certainly have contributed much to the American way of life even though they have not been too lucrative to the operators. We are convinced, too, that the diminishing right to be in small business to a large degree is contributing to the disturbed conditions in this nation. We think this right to consider oneself really free is a safety valve this nation can ill afford to cast aside and that Congress should do something important about this issue NOW.

Very truly yours,

FRANK J. MOCH,
Executive Director.

SECRETARY FREEMAN TESTIFIES ON AGRICULTURE'S RECORD OF PROGRESS BEFORE SENATE AGRICULTURE APPROPRIATION SUBCOMMITTEE

Mr. YARBOROUGH. Mr. President, this morning, February 28, at 10 a.m., Orville Freeman, the Secretary of Agriculture, appeared before the Subcommittee on Agricultural Appropriations as the lead witness for the administration, supporting the President's 1969 budget request for agriculture.

His statement was not limited to the 1969 budget, but included a brief summary of the accomplishment of U.S. agricultural policy in the sixties and our outlook for the future.

The Democratic farm record for the sixties has not been perfect, but it has been exceptionally good when compared with the former decade. It has been successful because it has remained flexible and responsive to the needs of both our agriculture consumers and producers. We must keep it responsive.

And Secretary Freeman's outlook for the future indicates that U.S. farm policy seeks to continue on this flexible and successful course.

I do not agree with each and every sentence of the Secretary's testimony, but I think it a very fine statement, and I support nearly all of it. I ask unanimous consent that the full text of Secretary Freeman's testimony delivered this morning be entered at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE ORVILLE L. FREEMAN, SECRETARY OF AGRICULTURE, BEFORE THE SUBCOMMITTEE OF THE SENATE APPROPRIATIONS COMMITTEE, FEBRUARY 28, 1968

Mr. Chairman, Members of the Committee:

It's a bit hard to realize that seven years have passed since I first testified before this Subcommittee. As the poets say, "The hours fly around in a circle," and "naught treads so silent as the foot of time."

Mr. Chairman, I want to thank you and the Committee for the unfailing courtesy and cooperation you have invariably accorded me. May I say also that I have always been deeply impressed by the dedication and wisdom with which you approach the nation's agricultural problems.

With your permission, I would like to do three things today:

First, review the record of our progress in agriculture since early 1961.

Second, appraise the outlook for American agriculture.

Third, discuss some of the items in our 1969 budget in terms of our overall objectives.

I. AGRICULTURE'S RECORD OF PROGRESS

In reviewing the record let me begin by presenting what I consider to be the six major missions or goals of our USDA programs. They are:

To achieve a *sustained and balanced agricultural abundance with fair income* for our farmers.

To provide *new markets* for our food, feed, and fiber, and to help *growing nations* win the war on hunger.

To expand the *dimensions of American living* and specifically to wipe out undernutrition in America.

To build livable and healthy *communities of tomorrow* by revitalizing rural America and restoring rural-urban balance.

To conserve and improve our land, water, and timber, and to *activate* these *resources* fully for the benefit of all our people.

To use agricultural *science* to the fullest extent *in the service of man.*

These are our goals. How far have we come toward reaching them?

Income and abundance

After seven years of joint effort, we would probably all agree that while farmers are not as well off economically as they should be, they are far better off than they were.

In 1961, agriculture was confronted by a nightmare: The prospect of half a billion bushels of grain rotting on the ground.

You may recall that we had 2 billion bushels of corn in storage—plus enough grain sorghum to carry us for a full year and a half—plus more than enough wheat to fill our domestic needs for two years.

A weakening dike of price support was all that kept this ocean of grain from breaking loose and ravaging the agricultural economy.

And if production in 1961 continued at 1960 levels, we could add up to 400 million bushels of surplus feed grains and 200 million bushels of surplus wheat to our already almost uncontrollable stocks.

Grain was stored in every conceivable space—even on ships. New bin sites and new elevators dotted the landscape everywhere. Storage costs were a national scandal—costing taxpayers more than a million dollars a day.

There was just no place for another half billion bushels of surplus grain to go—except on the ground.

We had to provide a new program—to take effect that year—or the consequences for grain producers, livestock farmers, and rural America in general would be just too grim to contemplate.

A special task force, members of the Congress including some of you here in this room, farm leaders, and USDA personnel worked day and night looking for answers. We were told it was impossible to get a program going in time to affect the 1961 crop.

Actually the "impossible" took two months.

On February 16—27 days after his inauguration—President Kennedy sent his proposals for an emergency feed grain program to the Congress. Thirty-four days later—March 22—the Emergency Feed Grain Act of 1961 became law.

I will never forget it—that rainy Wednesday when Speaker of the House, Sam Rayburn, signed for his Chamber. Then the legislation was rushed over to Vice President Johnson's office, where he signed, and on to the White House where President Kennedy was waiting to affix his signature.

This was the first major legislation of the new Administration. It provided a voluntary program of acreage reduction and price supports for corn and sorghum.

Less than an hour after the signing some of my USDA staff and I were on our way to Omaha to attend a kickoff meeting of farm leaders from all over the U.S.A. A few days later farmers throughout the country were signing up to cut back corn and sorghum acreage.

That program reduced the feed grain carryover by 13 million tons—after nine straight years of rising carryovers.

The Emergency Feed Grain Act was followed by the Agricultural Acts of 1961 through 1964. These expanded the feed grain program, established programs for wheat and cotton, and extended the wool and special milk programs.

They prepared the way for the historic Food and Agriculture Act of 1965, which set up realistic voluntary programs for the major crops through 1969—programs that enable farmers to act together and effectively gear production to demand. As President Johnson said: "With this legislation we reap the wisdom acquired through more than three decades of trial and error."

These laws were fundamental to a dramatic improvement in the farm income and agricultural abundance situation.

They reversed the declining trend of farm income. From 1952 to 1960 net farm income had *dropped* 17 percent. Between 1960 and 1967 farm income *rose* 24 percent—despite the disappointing decline last year.

During the past seven years, net farm income has averaged nearly $13.7 billion—$2 billion a year more than the average of the preceding seven years.

Net income per farm in 1967 is estimated at $4,573—55 percent higher than in 1960.

The new programs reversed the rising trend of the surpluses.

The wheat carryover which had climbed to 1.4 billion bushels in 1961 was down to 426 million bushels last July 1.

The feed grain carryover which had soared to 85 million tons was 37 million tons last October 1.

The cotton carryover which rose to 16.9 million bales two years ago will be 6.7 million bales at the end of the current marketing year—500,000 bales less than in 1961.

The surpluses are gone.

The Commodity Credit Corporation investment in farm commodities which had climbed to almost $8 billion in 1961, is now less than $3.4 billion. And the inventory of commodities *owned* by CCC has dropped from over $6 billion to less than $1 billion, the lowest since 1952.

How was this progress made? By inducing scarcity?

Not at all. *Agriculture's progress was made through a policy of balanced abundance.*

We carefully avoided idling acres whose production could be profitably used. We adjusted surplus crops downward, demand crops upward. Thus, farmers last year harvested 68 percent more soybean acres than in 1960—and the value of the soybean crop was more than double 1960.

The reduction of the surpluses was accompanied by rising overall farm production. Total farm output has increased 11 percent in the past seven years. This compares with an increase of 13 percent in the preceding eight years.

But whereas in the 1950's rising output was accompanied by rising surpluses, in the 1960's rising output was accompanied by disappearing surpluses. This is what I mean by balanced abundance.

Surplus grain was skillfully moved into use by career employees of the Department. Surplus disposal sales were made on a rising market without disrupting the market or depressing prices. Feed grain prices actually rose during the period of our greatest surplus-disposal sales.

There has been no "cheap food" policy such as some have charged. Our policy in setting price support levels has been clear and simple: *To protect farm income while enabling farm products to compete in the market.* Every price support level in effect today, including payments, is higher than in 1960, and most are considerably higher. Where we have allowed prices to seek market levels for competitive purposes we have protected farm income through direct payments.

Farm prices in general last year averaged 6 percent above 1960.

I do not say that our progress is fast enough or that it is good enough. It isn't. I do say that our programs have served the income and abundance objective. One evidence of this is the fact that along with rising farm income, U.S. consumers in 1967 got their food for 17.7 percent of their disposable income compared with 20 percent in 1960.

Many factors, of course, contributed to the improved farm situation. Eighty-four months of continuous economic prosperity, resulting in a rise of 55 percent in consumers' disposal income, increased domestic demand. Crop failures in India triggered record exports of U.S. wheat to prevent famine.

But a most necessary and basic factor in the improved situation has been the remarkable agricultural legislation of the past seven years, especially the Food and Agriculture Act of 1965.

The farm legislation of these years, however, did much more than establish programs to improve farm income and balance abundance. It provided the means for us to push forward toward all our major goals.

To expand foreign agricultural trade and aid, Congress extended and greatly improved Public Law 480.

To help us carry out our mission of raising the quality of American life, Congress passed the Food Stamp Act of 1964, the Child Nutrition Act of 1966, expanded the School Lunch Program, extended the Special Milk Program with the Armed Forces and Veterans' Hospitals, and passed the Wholesome Meat Act of 1967.

To help revitalize rural America, Congress set up new and expanded programs for housing, community water and sewer systems, and other local facilities.

Outstanding resource programs were provided by the various Food and Agriculture Acts, the Land and Water Conservation Fund Act, the Wilderness Act of 1964, the Federal Water Project Recreation Act of 1965, the Appalachian Regional Development Act of 1965, and the amended Watershed Protection and Flood Prevention Act.

In the research area Congress authorized grants for applied research and grants to strengthen the staffs of smaller schools. The McIntire-Stennis Act enables us to help the States with forestry research. Other legislation strengthened research to reduce the costs of cotton production and provided a stronger pesticide registration law.

The programs provided by these various laws interlock to form a remarkable combination of services to farmers, consumers, agribusiness, and the whole nation. The sum total of this legislation is, to my mind, unique in the nation's history.

Let me summarize some of the results already achieved.

I do not mean to conduct a statistical roll call, but I do believe a gathering together in one fairly brief summary of this record of progress may be useful. Among other things, it can establish benchmarks against which to measure agriculture's further needs and further progress.

Growing nations—New markets

No programs have been more important during my term as Secretary of Agriculture than those designed to expand agricultural exports and help the developing nations improve their diets and start up the ladder of economic growth.

With the help of an improved P.L. 480 and a hard driving export market development program, our total agricultural exports climbed from $4.5 billion in fiscal 1960 to $6.8 billion in fiscal 1967—a gain of nearly 50 percent.

Sales for dollars rose from $3.2 billion to $5.2 billion—up more than 60 percent.

A forecast made in 1960 had projected total agricultural exports in 1970 at $5.2 billion. That figure was far surpassed in 1964, six years ahead of the projected timetable.

The repercussions of our expanding exports are felt throughout the entire economy. We export the equivalent of one out of every four harvested acres—obviously this helps farmers.

Agricultural exports provide jobs for about one million workers—obviously this helps labor and business.

Agricultural shipments make up only 22 percent of our nation's total exports. But the net favorable balance of agricultural trade currently makes up over 50 percent of the nation's favorable balance of trade in all products—obviously this eases our balance of payments problem.

But the export story is only one face of the coin. The other face reveals the progress that has been made in realistic efforts to close the world hunger gap. When P.L. 480 was revised in 1966 to provide a more realistic Food for Freedom program, the War on Hunger turned an important corner.

The Food for Peace program had saved millions from starvation. The Food for Freedom program has put us on the road of joint international effort, including both the developed and less developed countries, with a clear recognition that the hunger gap can never be closed until the less developed nations do much more to feed themselves. U.S. food aid must be regarded as a tool to work with, not just a crutch to lean on. The war on hunger cannot be won in the heartlands of North America. It must be waged—and won—where hunger is, and it must be waged by all nations, developed and developing alike.

There is clear evidence of progress. Nations that once depended chiefly on aid are now able to turn increasingly to trade to meet their needs.

Here are some specific examples. In fiscal 1962, Israel got 166,000 tons of wheat from the U.S. under P.L. 480 and bought 105,000 tons commercially. By 1967, the P.L. 480 shipments had been cut in half and Israel's commercial buying had been increased by almost half.

During this same period South Korea's P.L. 480 wheat imports dropped slightly from 337,000 tons to 331,000 while its commercial imports increased thirteen-fold, from 26,000 tons to 341,000 tons.

Taiwan's P.L. 480 wheat imports dropped from 325,000 tons in 1962 to zero in 1967. Its commercial buying from us went up from 9,000 tons to 280,000 tons.

This is a good beginning, and we are working hard to write an increasingly better record. I am confident that we can, because now the principle of self-help written into P.L. 480 in 1966 is clearly stated and clearly established.

Every P.L. 480 agreement signed since January 1, 1967, has contained self-help provisions aimed at clearing the way for improved farm production in each country—provisions agreed to by each country.

While it is too early to evaluate the full impact of the self-help agreements, there are signs already that they have helped.

India, for example, expecting a record harvest of about 95 million tons of food grains, has sharply increased its development spending (including foreign exchange) in agriculture. It has doubled its use of improved, high-yielding seed and almost doubled the availability of fertilizer—and still fertilizer demand is outrunning supply.

The battle is far from won. But we know now that it *can* be won.

Expanding dimensions for living

Our primary goal here has been, and is, to insure for every citizen the opportunity for a full nutritious diet of wholesome foods. As a nation we can produce the food to provide this diet and we have the means to distribute it.

Seven years ago the Department was making a very limited list of foods available to the needy through a direct distribution program. For the typical family in the program this meant receiving a monthly issue of cornmeal, flour, lard, nonfat dry milk, and rice with a retail value of about $2.15 per person.

Following President Kennedy's Executive Order No. 1, the quantity of surplus foods distributed to the needy was more than doubled and the kinds of foods offered almost doubled.

The typical family participating in the food distribution program last fall received 14 different foods with a retail value of about $7.18 per person per month. In addition to the five foods already mentioned, needy families now get canned chopped meat, butter, cheese, corn grits, peanut butter, raisins, dried beans, bulgar, and wheat or rolled oats.

But food handouts have a way of bruising human dignity. So in 1961 the Food Stamp Program was launched on a pilot basis in eight areas—to enable low income families to buy food of their choice at the store of their choice at reduced prices. In 1964 the Congress responded to the recommendation of President Johnson and passed the Food Stamp Act of 1964. In January 1968, the Food Stamp Program was operating in 848 communities and serving 2.2 million persons.

Some of our people are too poor, however, to get in on the program. We started Project Food Stamp this year to widen participation through program modifications. For the

poorest of the poor we have reduced the investment needed to enter the program from $2.00 a month per person to 50 cents. Where it is necessary, welfare organizations will pay the 50 cents.

This year, school lunches are being served to 19.5 million children—5 million more than in 1961. Two and a half million children get their lunches free. Under the Child Nutrition Act, we are serving breakfasts to about 80,000 undernourished children—and we hope to double this before this school year ends.

But nearly 9 million children still attend schools without lunch programs, and at least a million of these should receive free or reduced price lunches.

We have started Operation Metropolitan, aimed at bringing 2.8 million school children in the major metropolitan areas into the School Lunch or School Breakfast programs for the first time. This is now underway in 15 major cities.

At the beginning of this fiscal year, our food distribution programs were reaching 669 of the 1,000 lowest income counties of the United States—far more than in 1961, but also far from a satisfactory situation.

Now we have Project 331, aimed at starting a family food assistance program in these 331 counties—primarily rural—where no food program is now available. In more than 140 of these counties a program has already started, or will begin shortly.

In expanding dimensions for living, we are concerned not only with nutrition but with the safety, the wholesomeness, of the nation's food supply. Meat crossing State lines has long been Federally inspected. But within the States, there have been, and are, great gaps.

The Wholesome Meat Act enacted last year will give further assurance to consumers that the meat they eat is safe for health. The counterpart bill recommended by the President, the Wholesome Poultry Act of 1968, would provide similar assurance as regards poultry and poultry products.

Communities of tomorrow

Fifty years ago, this nation was half rural and half urban. Today 14 out of every 20 Americans live in urban centers.

With over 70 percent of our people now living on one percent of our land, some cities are so congested, it takes longer to cross town by car than it used to take by horse and buggy. Congestion is accompanied by ceaseless noise, noise by tension. Pollution is pervasive—it is not only in the rivers and lakes, but in the air. Crime has made streets and parks unsafe. Unemployment is a way of life for many of the unskilled and uneducated. Welfare costs threaten to become unbearable.

On the other hand, hundreds of small towns have become hollow shells, scarred by boarded-up stores and big, half-empty houses where the aged live because the young could find no opportunity in the countryside.

With less than 30 percent of the nation's population, Rural America has nearly half of the nation's poor.

The space-starved city and the opportunity-starved rural community are two sides of the same coin. They are symptoms of a fundamental rural-urban imbalance which has resulted in large part from the deterioration of rural America.

When the technological revolution of the past 30 to 40 years sharply reduced the number of jobs in farming, mining, and timber, rural America began to slide downhill.

Year after year, hundreds of thousands of small farmers, sharecroppers, farm workers, displaced miners, shopkeepers, laid-off railroad workers, left the countryside to seek greener pastures in the cities. Many found only poverty. The young especially fled, and among them, along with the untrained were some of the brightest minds and most venturesome spirits of rural America—a great loss of human resources.

Though the exodus is slowing, it is still going on. This is a problem we must solve—for the sake of city and country alike. We *must* restore rural-urban balance in America.

Rural-urban balance will be restored only when new economic, social, and cultural opportunities are opened up throughout rural America—only when private enterprise is attracted to the countryside by the obvious advantages of open space, ample labor, and low-cost buildings—only when rural communities can offer modern water supplies, good housing, and other facilities—only when underemployed small farmers and displaced workers can find alternate economic opportunities—only when we establish vigorous, healthy town and country communities.

We have made a start in all these areas—and a good start in some of them.

Our rural communities are filled with "in-between" people—those who never quite made the transition from the old to the new economic society—those who are not able to benefit substantially from the programs that serve commercial agriculture and get almost nothing from the programs that serve the cities.

Typical of these "in-between" people are our more than 2 million small farmers—those with sales in 1966 of under $10,000—whose average farm income between 1959 and 1966 rose only 7 percent—only $110.

Operating loans and grants by Farmers Home Administration to aid low income farm families have increased by 60 percent since 1960. Loans to promote farm ownership by small farmers have increased nearly five-fold. Since January 1965, Economic Opportunity loans have enabled more than 50,000 low income families and individuals to set up small businesses or improve low income farms.

We have made a start toward providing modern water and sewer systems in rural America. Funds to build such systems have risen from less than $2 million in fiscal 1961 to almost $200 million in fiscal 1967. Last fiscal year alone these funds helped build or improve 1,100 rural community water or sewer systems. But some 33,000 communities still lack modern water and 43,000 lack modern sewers.

We have made a start toward improving the indecently bad housing scattered throughout rural America. Aids for rural housing this year will be nearly thirteen times as great as in 1960. From January 1, 1961, through June 30, 1967, USDA loans provided new or improved housing for 630,000 rural people, including 20,000 senior citizens and 15,000 farm laborers. But about one-third of all rural homes need major repairs or complete replacement.

We have made a start toward training displaced farm and rural people for new economic roles—a start toward attracting new industry to rural America—a start toward improving and developing all the resources of the countryside through Federal, State, and local action.

We are beginning to succeed in bringing not only USDA programs but programs of other government agencies, and private services also, to the people of rural America. We call this the "outreach" function of the Department.

At the Washington level outreach is provided by a small staff in the Rural Community Development Service which coordinates and expedites rural programs. In the field outreach at the grassroots is provided by Technical Action Panels composed of USDA field officials, and other Federal, State, and local government leaders. These "action teams" serve all 3,000 rural counties through a network of State, area, and county panels. Today any rural village, any rural person, can receive help in locating the government agency that can best assist them simply by contacting the nearest Technical Action Panel.

We have made some good progress—in a massive undertaking. But sometimes I ask myself: Can we avoid the deepening catastrophe that faces our nation if we fail to halt the flow of people from the countryside into our huge central cities?

And then I take encouragement from the resources and spirit of America and I imagine a time in the future when the American landscape will be dotted with communities that include a blend of renewed small cities, new towns, and growing rural villages—each cluster with its own jobs and industries, each with its own college or university, each with its own medical center, each with its own cultural, entertainment and recreational centers and with an agriculture fully sharing in the national prosperity.

I imagine hundreds of such communities that would make it possible for 300 million Americans to live in less congestion than 200 million live today—that would enable urban centers to become free of smog and blight—free of overcrowding, with ample parkland within easy reach of all.

A dream world? Not exactly. It is a world we can build, if we are willing to work for it.

These ideal communities *can in fact* be the Communities of Tomorrow.

Resources in action

It is no secret that we are facing an environmental crisis. It affects every one of the basic elements of the biosphere—air, earth and water.

An expanding national economy requires a growing resource base. Pure air, clean water, stable soils, productive crop, pasture, range and forest lands, abundant wildlife, natural beauty, and the opportunity for man to live in harmony with his natural environment are essential. They are interrelated and mutually supporting objectives and that is how we are approaching them.

For example, we are coordinating conservation with economic development through multi-county Resource Conservation and Development projects. Seven years ago there was not one RC&D project in the United States. Now 41 have been approved for planning and operations embracing an area almost as big as Iowa, Illinois, and Wisconsin combined.

Each of these projects is "multi-purpose" in the broadest sense of the world; each conserves natural resources in an integrated, well-planned manner; each brings jobs to local communities, conserving the human and economic base of rural America.

Seven years ago we had only 312 watershed projects approved for operations; now we have 827. Multi-purpose projects have increased 360 percent, from 95 to 439 at the end of 1967.

We have helped more than 450 communities and associations develop group recreational facilities to serve an estimated 550,000 people.

Probably nowhere is the multiple purpose aspect of the Department's conservation efforts more evident than in the National Forests. Expenditures to develop and protect our National Forests are now more than double the 1960 level.

National Forest recreation use has grown from 90 million visitor-days in 1960 to more than 150 million last year. With the development of 3,800 new recreation sites, capacity to accommodate people at one time has been increased to 1.2 million, nearly double the 1960 capacity.

Sound management has increased the allowable annual timber cut in the National Forests more than 20 percent—from 10.6 billion board feet in 1960 to 12.8 billion in 1967. The actual timber harvest has increased 15 percent—from 9.4 billion board feet to 10.8 billion.

Science in the service of man

Agricultural research and extension, it goes almost without saying, are the bedrock of agricultural progress. The scope of their con-

tributions to our agriculture defies description.

They are the mainspring of farmers' efficiency in production. Research continually finds better ways to use, conserve, and improve soil, timber, and water resources. It develops new agricultural products which sometimes result in entire new industries. It shows us how to control pests through new, safe methods. It develops new food mixtures with high nutritional value for use at home and abroad.

To coordinate and make more effective the Department's work in these areas we established the position of Director of Science and Education and set up an Economic Research Service. We also took the initiative in establishing the Federal Committee on Pest Control.

So many specific advances have been made through research since 1961 that it is difficult to select the most representative achievements.

We can cite major contributions to the development and improvement of wash-and-wear garments, stretch cotton, and shrink-proof wool. New convenience foods include instant sweetpotato flakes, orange crystals, full fat dry milk, and quick-cooking beans. We have found a practical way to flameproof cotton.

Newly developed mechanical harvesters have replaced high cost labor in picking cherries, tomatoes, apples, and many other fruits and vegetables.

The screwworm, which used to cost livestock producers in the South $100 million a year in losses, has been eradicated by sterilizing and releasing large numbers of male flies. The technique is being extended to other insect pests.

Forestry research has led to the creation of a Southern pine plywood industry in the South. It now employs more than 6,000 workers in three dozen plants and produces 2.7 billion square feet of plywood for new homes.

Some high protein foods and mixtures developed by research are already helping stave off protein malnutrition among millions of people. These include CSM, a corn, soybean, and milk mixture; a similar mixture using wheat; and wheat fortified with the protein lysine. A promising new process has just been developed for making cottonseed flour that is 65 percent protein.

Scientists have found a way for hungry villagers in underdeveloped countries to make their own soybean flour in five easy steps. They have also worked out a process for peeling the bran off wheat to produce a pearly-white kernel that can be eaten like rice. This new WURLD wheat got high ratings when market-tested by commercial companies in the Orient.

Now let us turn from our review of the progress of the recent past to a quick glance at the future.

II. THE OUTLOOK FOR AMERICAN AGRICULTURE

American agriculture today is well equipped to play its full role in the national economy. The progress of the past seven years has led agriculture into a new era, a new plateau on which farm and rural people can begin to share more fully in the continued economic growth of the nation. We now have the foundation upon which to make further and faster progress in the years immediately ahead.

I say this with full recognition of the disappointing drop in farm income last year. This was the result of record output both in the U.S. and the world as a whole. Most of the major grain exporting nations, plus Europe, had super-harvests, and this sent world prices plummeting.

Actually, only the previous elimination of surpluses and the existence of our farm commodity programs limited the drop in U.S. prices. Without these two factors farm prices would have been much lower than they actually were.

The most striking characteristic of U.S. agriculture is its amazing productivity.

With only half as much labor, agriculture produces a good 50 percent more than it did 20 years ago.

This is a great economic bulwark for America and the Free World. But it also keeps the farmer and rancher sitting on a powder keg. The U.S. farmer has the ability to overshoot his markets, year after year. This magic power—unique in history—is so great that the individual farmer, one in 3 million, cannot hold the genie in the bottle. No one farmer has a big enough thumb.

Fortunately, we have the basic machinery to meet both the challenge of supply and the challenge of increasing demand. This machinery is a wide range of programs woven tightly into a coordinated farm and food policy aimed at underpinning and strengthening America's family agriculture.

The Food and Agriculture Act of 1965, the Food for Freedom Program, and the domestic food distribution programs—School Lunch, School Milk, Direct Distribution to Needy Persons, Food Stamp programs—all supplement one another.

None of them can be fully effective in isolation, but can be extremely effective when skillfully coordinated. They permit us to set up a viable national food budget to produce what we need in the right amounts at the right time—subject always, of course, to the vagaries of uncontrollable environmental and biological forces that agriculture must live with always.

About 3 to 4 percent of our nation's farm production now is going under the Food for Freedom program. This makes a major contribution to world security and peace. It provides food to many millions of persons around the world. It buys time until they can improve their own agricultures.

About 1 percent of our farm output now is going under our domestic food distribution programs. This improves the diets of millions of needy families and protects the health of our school children.

Both Food for Freedom and our domestic food distribution programs supplement the commercial demand for food which is registered through established market channels. Skillfully used, this supplemental purchasing power can help stabilize prices preventing wild and disruptive price swings.

The Food and Agriculture Act of 1965 makes possible a working balance between supply and all demands for several major farm products. It is designed to keep farm prices at as high a level as is consistent with remaining competition in world markets. If world prices are too low, the difference is made up to farmers by direct payments. These payments can also be used when necessary to withdraw acreage from production to avoid surpluses.

Thus, all these programs work together to create a whole that is greater than the sum of its parts. They constitute a team whose common purpose is to produce balanced abundance at fair prices. These programs as they have been developed and improved in recent years can provide major help in moving American agriculture forward on the highway of progress.

But they are neither perfect, nor perfectly operated. We must improve them to fit changing conditions. We must learn how to use them more skillfully, correlating them more closely with the activities of individual farmers and farm organizations. This can be done—it is being done.

We need also to complete this basic machinery. In addition to the extension and improvement of P.L. 480 and the Food and Agriculture Act of 1965, some new tools would fill out the "basic kit" to enable agriculture to plays its full economic role in the 1970's.

Security reserves

One very important addition to the program would be the creation of a strategic commodity reserve.

This isn't a new idea; the basic principle extends clear back to the ever-normal granary concept of the 'thirties. Its enactment is essential at this time.

In our present situation, farmers are bearing too much of the cost of building reserves back to a safe level, and this needs correcting.

Under present law, CCC has to dispose of its stocks as rapidly as possible, consistent with orderly marketing and the operation of the price support system. This obviously isn't compatible with the clear need, in today's uncertain world, of a reserve of key commodities.

What we're shooting for is a reserve in the hands of both farmers and government, isolated from the market.

Such an isolated reserve would assure Americans of food in case of national or world emergency. Higher market prices for farmers are also implicit in the proposal.

Farmer bargaining power

Legislation is needed to help farmers increase their bargaining power for certain commodities.

About 60 cents out of every dollar of farm cash marketings comes from the sale of crops and livestock not covered by farm programs. In this "no program" area the farmer essentially must go it alone.

Our present programs now provide producers of basic products an opportunity to limit their production and market their products for a better price. I am hopeful that it will be possible to improve the legal climate for farmers not now covered by this basic commodity legislation to enable them to participate more fully in marketing their products through self-help collective action.

This would help farmers to move toward becoming price-makers instead of merely price-takers. I want to stress, however, that this is strictly an area for self-help by farmers. Such legislation would be enabling for those farmers who wanted to use it—it should not be forced on anyone.

Utopia for agriculture and for rural America—needless to say—is not just around the corner. Nevertheless, I am convinced that the progress of the past seven years has laid the foundation for much greater advances in the years just ahead.

III. THE BUDGET FOR FISCAL YEAR 1969

Now I would like to turn briefly to our budget for 1969. You will be getting more details from the agency administrators as these hearings progress, but there are several points I especially want to call to your attention.

We are keenly aware of the great concern expressed both by the President and in the Congress over the Government's financial situation. This concern fostered many weeks of discussion, culminating in the passage of Public Law 90-218.

This law required that each agency in the executive branch limit its obligations for controllable programs in 1968 to an amount equal to those projected in the 1968 budget reduced by 2% of salaries and 10% of other purposes.

The reduction required of the Department of Agriculture under this law was $386 million.

Making these reductions was neither a pleasant nor an easy task.

I used all the administrative and professional resources available to me and we worked long and hard, day and night and on weekends.

The final decisions were mine. I tried to use the best judgment possible—taking into consideration both the merits of the program and the tough-mindedness required to carry out the law.

It is easy to say that old programs must be

discarded and that higher priority must be assigned to the new. But many studies have indicated that there are very few old programs that we can eliminate or curtail without some loss to the public.

The programs of the Department of Agriculture have been reviewed many times—within the Department, by the Bureau of the Budget, by the President, by this Committee, and by the Congress.

I know that judgments on these matters differ—and these are honest differences of opinion. I know that cuts have been made in programs which have real merit, but there are many demands on the Federal Treasury today, and we just cannot do everything we would like to do.

We have had to carry over into 1969 some of the reductions which were made in 1968. In other instances we have provided increases in 1969—primarily in the area of Food for People. These increases are consistent with the expressed concern of the Congress in earmarking $25 million of Office of Economic Opportunity funds to provide food and health services for the extremely poor.

Recognizing that we cannot do everything we would like to do, I believe nonetheless that this budget represents a sound fiscal program. It will permit us to hold the gains of recent years and make further progress in the months ahead.

With this background, I will turn now to a brief discussion of the 1969 budget.

Commodity Credit Corporation

We propose $3.6 billion for restoration of capital impairment of the Commodity Credit Corporation. This is necessary to allow an adequate margin of available borrowing authority to carry out the Corporation's programs. The record 1967 crops of feed grains and wheat have increased demands on the CCC. Even with increased receipts from the sale of cotton inventory, the balance of available borrowing authority at the end of 1968 is estimated at about $1.5 billion. We project a balance at the end of 1969 of about $2 billion.

Food programs

The full amount of the existing authorization—$225 million—is proposed as a direct appropriation for 1969 for the *Food Stamp Program*. In addition, legislation is being proposed to increase the authorization for fiscal year 1969 by $20 million.

We estimate that at the end of fiscal 1968 the program will be operating in 1,239 areas with 2.7 million participants. The $225 million will be required to finance this program level in 1969. With the additional $20 million the program could be extended to another 200,000 participants.

Even with the proposed expansion of the Food Stamp Program, the direct distribution program will continue at about the same level as this year.

We must continue to press toward our goal of providing the opportunity of a good diet for all our people, and this is particularly true for the nation's children.

We are requesting an increase for the *school lunch program* of $26.6 million above the 1968 program level. The increases include:

$2.1 million for expansion of the regular lunch program. The regular program will provide about 3.5 billion lunches in fiscal 1969.

$5 million in special cash assistance to enable the Department to meet more nearly the nutritional needs of the 1.4 million children in this country who cannot pay the full price of a lunch. With total funds of $10 million in 1969, about 80 million lunches can be served to needy children.

$8.5 million for purchases of agricultural commodities under Section 6 of the National School Lunch Act. These funds will be used to supplement commodities purchased locally. We recommend that the total of $64,325,000 for Section 6 be provided by transfer from Section 32 funds.

$3 million for the Pilot School Breakfast Program to meet the needs of children who do not have breakfast at home or must travel long distances to school. With an average Federal contribution of 10 cents to 15 cents, some 290,000 children in 2,000 schools can be provided nutritious breakfasts through the $6.5 million requested for this program in 1969. Authorization for this program will expire at the end of fiscal 1968. Legislation is being proposed to extend the program.

$5.3 million to help schools establish or improve food service facilities. Federal assistance is badly needed by schools in depressed areas which lack resources to secure equipment for a food service program. The budget would provide for assistance to about 600 of these schools, with at least one-fourth of the cost of essential equipment being paid with State or local funds.

$2.3 million to help States start and operate special assistance programs and programs authorized under the Child Nutrition Act. Many States do not have funds for establishing and supervising the breakfast, nonfood assistance and Section 11 programs.

$419 thousand for Federal operating expenses for technical assistance to the States and for program direction required for activities under the Child Nutrition Act. Efforts to extend the regular program to additional areas are increasing the Federal workload.

Cropland adjustment program

I strongly urge approval of our request to divert an additional 2 million acres under the Cropland Adjustment Program. Many long-term benefits accrue from this program. Government costs are less than if the same acres are diverted under the annual programs.

Under the "Greenspan" provisions, we enter into agreements with State and local government agencies for the acquisition of cropland to be permanently converted to public benefit long-term conservation, recreational, and open space uses. The Cropland Adjustment Program emphasizes assistance to those farmers who, because of age, off-farm employment, and other personal reasons, decide to reduce their farming operations.

Meat and poultry inspection

One of the significant accomplishments of the Congress last year was the passage of the Wholesome Meat Act. Funds must now be provided to implement the Act. The budget includes an increase of $22,825,000 for Meat Inspection, part of which will be requested as a supplemental in 1968.

With these funds the Department can fully implement the Act:

Systems for cooperative inspection of intrastate plants will be established in 38 States with Federal funds financing up to 50 percent of the cost. About $15.2 million of the funds requested for 1969 will be paid to the States under this phase of the program.

A full range of technical assistance will be made available to States, including development of inspection standards, laboratory testing, and assistance in establishing State laws and regulations.

Through registration and record keeping requirements, surveillance will be maintained over persons and firms engaged in the movement of meat in interstate commerce.

Foreign plants will be reviewed to determine that they meet requirements equal to those demanded of domestic slaughter and processing plants.

Needs will be met for new and expanding plants shipping in interstate commerce. This includes over 1,300 establishments which will be coming under inspection to comply with the Wholesome Meat Act.

An increase of $3.5 million is needed for mandatory poultry inspection. We estimate that 15.0 billion pounds of poultry and poultry products will require inspecton in 1968—500 million pounds above the estimate a year ago. A further increase to 16.3 billion pounds is estimated for 1969.

I call your particular attention to the President's request for an additional $485,000 for the *Farmer Cooperative Service*. Increasingly, farmers demand more muscle in the marketplace. They are gaining some of this muscle through their own, self-help cooperative efforts. They turn increasingly to cooperatives, not only to get higher prices for their products but to stop the rising cost of farm supplies and services. For more than 40 years Congress has directed the Department of Agriculture to encourage these self-help efforts through technical help where it is needed and requested. This is the task of Farmer Cooperative Service. FCS needs these funds to help farmers build new and stronger cooperatives to meet the demands of an agriculture still in the throes of a structural and technological revolution.

Extension funds to be paid to the States are about the same as appropriated last year. However, under Public Law 90–218, $3,385,000 was withheld during the current year. In 1969, we propose that this be allocated on the basis of special need rather than formula.

The funds will be used for expanding Extension work with low-income people. Current Extension programs are making a valuable contribution in helping farm and rural families overcome problems of poverty. The $3,385,000 could extend this assistance to an additional 70,000 families, primarily through the use of nonprofessional aides trained by Extension.

In order to be of greater service to rural communities and small towns which are encountering serious economic problems, this budget provides for strengthening the *Economic Research Service*. A large part of the additional $1,175,000 requested would be used to develop systematic measurements of community economic progress—rural economic indicators—serving the same purpose as the highly useful statistical series provided for agricultural commodities for many years.

Mr. Chairman, and Members of the Committee, this concludes my statement. I will be glad to answer any questions you may have.

DROP IN WEEKLY PAY FOR MOST AMERICANS REASON FOR OPPOSITION TO SURTAX

Mr. PROXMIRE. Mr. President, the bloom has been off the boom for 3 years for the great majority of people in this country who work for a living. Most Americans, including most Members of the Congress, may have the impression that even allowing for inflation the typical American worker is taking home more each week this year than he ever did, and that he has enjoyed better real wages—that is, wages corrected for price increases in each of the past 3 years.

This is not true. The Wall Street Journal reports this morning in an excellent and revealing article that the average worker with a wife and two children is actually taking home less purchasing power now than he did in 1965 or 1966.

The boom has passed him by. If anyone wonders why there is such widespread public opposition to the President's proposed surtax, here is a significant part of the answer. The family that finds their paycheck does not go as far today as it did 3 years ago is hardly in the mood for an additional Federal tax that will cut that paycheck further.

The theoretical argument that that tax will reduce prices is only that—a theoretical argument. Frankly I do not think it will. And even the strongest proponents of the tax before our Joint Economic Committee last week conceded that the tax would not begin to keep prices from rising for the better part of a year.

So Mr. Average American, whose purchasing-power income has been going down for the past 3 years, can hardly be expected to be enthusiastic about a tax to reduce that diminishing income further on the questionable theory that the tax may slow down the rise in the cost of living sometime in the indefinite future.

I ask unanimous consent to have the article to which I have referred from the Wall Street Journal printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BOOM FOR WHOM—FOR MANY, WEEKLY PAY BUYS LESS THAN IN 1965 AS TAXES, PRICES RISE—DECLINE IN PURCHASING POWER HURTS NOWSUPERVISORY JOBS, AGITATES UNION BARGAINERS—BUT HOURS DROP, FRINGES RISE

(By Alfred L. Malabre Jr.)

The boom rolls on—or does it?

Personal income in the U.S. glides from record to new record. Just since 1965, the total has increased some $90 billion, a sum that exceeds the gross national product of Canada or Italy.

But the overall record can be a deceptive gauge of the average worker's welfare. Total income figures are inflated by rising prices and include much besides weekly paychecks. And of course, they cover everybody, including the executive who takes in $100,000-plus each year in salary and bonuses.

What about the average worker with a wife and two kids?

For him, the boom stopped rolling several years ago, Government statistics suggest. In terms of what it can buy, his weekly paycheck has been shrinking since 1965.

DIVIDED ATTENTION

The shrinkage—which obviously is offset more than a little by fatter health and pension benefits and shorter workweeks—gets scant attention from Administration spokesmen who boast about the long, continuing rise in the nation's overall economy. Or from business executives who say labor wants too much money for too little work.

But union leaders are giving the recent trend more than a little attention—which helps explain the present acerbic condition of management-labor relations in many industries in the U.S.

The table below is based on statistics compiled by the Government. It traces the average weekly pay of "nonsupervisory" employes in private businesses—persons ranging from white-collar clerks in a Merrill Lynch brokerage office to blue-collar assemblers on a General Motors production line. The figures are for workers with three dependents. To get at the pay's real purchasing power, it is expressed in terms of 1957–59 prices. Income and Social Security taxes also are taken out.

Weekly purchasing power of nonsupervisory workers

1961	$71.48
1962	73.05
1963	73.63
1964	76.38
1965	78.53
1966	78.29
1967	78.23

It's ironic that the shrinkage began at roughly the time when some politicians and economists first started calling the economic expansion that started seven years ago a boom. It's also ironic that in 1960–61, the last recession period in the U.S., the weekly pay figure actually rose, to $71.48 from $70.77. In fact, the records show that only once before in the post-World War II era, during 1956–58, did the decline in the weekly total persist as long as the recent downturn.

The recent record no doubt would be worse if the figures also took into account steadily rising state and local sales and property taxes, all of which bite into purchasing power. Property tax payments, for instance, have swelled to about $27 billion annually from less than $20 billion in 1963. In contrast, Federal income tax rates were reduced in 1964, a year when purchasing power rose substantially.

Whether purchasing power will continue to shrink in 1968 depends on a variety of imponderables.

UNANSWERABLE QUESTIONS

What in Vietnam? Will inflation worsen? Will Congress increase taxes? Are wage-price controls coming? How effectively will union leaders press pay demands in coming months in such key industries as steel, construction, aluminum, apparel, aviation, maritime and shipbuilding?

Only this week, the AFL–CIO's policy-making executive council demanded a $2-an-hour minimum wage (the minimum for most workers went up to $1.60 from $1.40 at the start of this month.) The council also refused to go along with President Johnson's recent request for "voluntary" wage restraints this year.

Labor's emerging mood isn't likely to be softened by this little-publicized fact: The pay of supervisory personnel, such as that $100,000-plus executive, has been rising relatively rapidly.

The aggregate after-tax pay of supervisors, up to and including corporate presidents and chairmen, increased nearly 5% in 1967, according to Government estimates. But the comparable increase for nonsupervisory personnel was barely more than 3%. (These estimates do not adjust for inflation.)

"Relatively speaking, the income of the average worker in private industry has been stagnating," comments a senior Government economist.

FAST-RISING INTEREST

This relative "stagnation" also is apparent in other Government statistics that show earnings other than wage-salary income. These statistics show that income in the form of interest payments on investments rose about a third more rapidly in 1967 than wage-salary income.

Income in the form of dividend payments to stockholders rose nearly as rapidly as wage-salary income, even though corporate after-tax earnings last year fell some 4%. Since 1961, dividend income has grown some 30% more rapidly than wage-salary income.

Such income, of course, goes to many employes at the bottom as well as the top of corporate ladders. But available data suggest the typical stockholder is more apt to be on the upper rungs. His family income averages roughly $10,000 a year; less than 30% of American families earn that much.

Not included in any of the income statistics: Profits—on paper or realized through capital gains—that executives often make through corporate stock-option plans that permit the purchase of securities at below-market prices. (Capital gains income, in fact, is not counted as a part of the nation's gross national product.)

As for nonsupervisory personnel, Government figures show that the shrinkage of purchasing power has been more severe in some occupations than others.

Nonsupervisory employes in retail and wholesale establishments are among those whose pay buys less than in 1965. In December, the average weekly purchasing power of a worker in these fields, with three dependents, stood at $64.14, down from $64.63 two years earlier. In the same period, the comparable figure for factory workers dropped from $89.75 to $88.87, and the figure for miners declined from $102.09 to $101.62.

On the other hand, some types of workers have managed to increase their purchasing power in recent years. Since 1965, the weekly figure for construction workers has climbed from $112.32 a week to $113.27. The figure for employes in finance, insurance and real estate has risen from $74.59 to $75.07.

There are other relatively bright spots in the picture. Though higher Social Security taxes are squeezing the average worker's paycheck, such money should eventually benefit him. And of course, it now benefits many older persons, and, through them, the general economy. In addition, employer contributions to pension, health and other such employe benefits have nearly doubled since the start of the expansion.

Analysts also note that most workers toil a shorter week nowadays. In retailing, the average workweek recently dropped below 35 hours, more than an hour shorter than the average for 1965. In addition, the nonsupervisory work force, at more than 45 million, has been growing rapidly; thus, though the average paycheck buys less, there are more paychecks.

OLDER AMERICANS: PRESENT AND FUTURE

Mr. WILLIAMS of New Jersey. Mr. President, the U.S. Senate Special Committee on Aging conducted hearings recently on long-range program and research needs in aging and related fields. We were fortunate in having a "convocation of experts" who gave testimony at the hearing or statements for our record. The transcript of that hearing, soon to be made available, will be a useful document for the growing number of individuals and organizations who are turning their attention more and more to the present and future generations of older Americans.

It is impossible here to summarize all presentations made to the committee, but fortunately the eminent columnist, Sylvia Porter, devoted two recent articles to major subjects that came under discussion at the hearing. Miss Porter concentrated her attention on basic bread-and-butter issues related to the central issue facing many millions of our elderly—inadequate income in retirement years. She also made a compelling case for new thinking about current retirement practices, and she paid due attention to inadequate research priorities now given to aging.

Mr. President, as chairman of the Special Committee on Aging, I want to thank those who contributed to the committee studies and I also want to recognize the outstanding work done by Miss Porter in describing several of the major themes of the hearing and related presentations. I ask unanimous consent to have the articles reprinted in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

YOUR MONEY'S WORTH: ELDERLY LIVE LONELY LIVES

(By Sylvia Porter)

At hearings last month before the Senate Special Committee on Aging, the desperate,

disgraceful economic circumstances of our elderly Americans were once again detailed by economists, professors, gerontologists and other experts. In sum:

Despite our noble pronouncements and well-trumpeted efforts, one in three of our elderly still lives in poverty, one in five occupies a dilapidated home. Most exist in isolation and loneliness.

No less than a revolution in our thinking about the elderly will be required to solve the elderly American's multiple economic-social afflictions, authorities insist. Here is a sampling of new approaches they suggest:

1. Invest far more than we now do in basic research on the aging process, about which pathetically little is known today. The cost of closing this research gap need not be phenomenal. According to one witness, the immediate gap could be closed by an additional $6 million allocated by the National Institutes of Health. But this biologist also urges the setting up of an international gerontological quinquennium (five-year period) in which a total of $230 million would be invested in a massive research effort. Since every one of us will be old if we stay alive, this sum hardly seems out of line.

2. Make the billions we are investing in medicare more meaningful by also investing in preventive medical measures to detect, and in many cases prevent, crippling chronic illnesses in their early stages. We can afford neither the skyrocketing costs of institutionalizing huge numbers because of physical and mental conditions which can be easily prevented today nor the high emotional costs to the elderly themselves of being filed away for life in mental hospitals, nursing homes and homes for the aged.

3. Work on alternatives to isolated housing developments for the elderly and golden-age retirement communities. Alternatives should include furnished apartments for those who could be discharged from mental hospitals and nursing homes and could get along fine with occasional housekeeping-cooking assistance, home health care, and escort service for shopping, doctor's visits, etc.

4. Instead of focusing entirely on new, costly housing for the elderly, do much more at far less cost to repair existing dilapidated houses. Elderly Americans themselves could be employed on a large scale to do such repairs.

5. Integrate nursing-home facilities with communities of all ages. One proposal is for a combined nursing home-nursery school were elderly patients could be paid to read to children and assist teachers with other chores.

6. Greatly expand today's limited job opportunities for elder Americans. A drive must be made to end flagrant discrimination by employers on the basis of age. Assistance should be given to older Americans in setting up small businesses founded on serious hobbies with a money-making potential.

7. Force a rethinking about today's traumatic practice of 100 per cent work until some arbitrary retirement age, then suddenly 100 per cent non-work. Periodic sabbaticals might give employes a chance to acquire new skills usable in retirement, and might also serve as a prelude to retirement. Or employers might experiment with a system of gradual retirement, in which an employe might work only ¾ time at age 50, ½ time beginning at age 60, and ¼ time starting at age 65.

8. Consider lowering or eliminating community real estate taxes for elderly Americans, since they do not have children in school and since today's steeply rising property tax rates have become one of the most brutal financial burdens on the elderly individual trying to live on a fixed income.

9. Do much more to inform isolated persons about their individual rights and expected benefits. The National Council on the Aging has launched such a project—FIND—designed to find the Friendless, Isolated, Needy, and Disabled older Americans, to investigate their individual needs and to refer them to available sources of assistance.

FORGOTTEN MINORITY THE ELDERLY POOR

(By Sylvia Porter)

In Hammond, Ind., an aged woman has been attempting to live on her $72 a month in public assistance. Her rent bill takes $55, most of the remaining $17 a month goes for medicine and laundry. There are only a few dollars for food, not a penny for clothes, transportation, other routine necessities.

In Lincoln County, West Va., 76-year old widow has been trying to survive on the minimum $44 a month in Social Security. All but $4 is paid out for rent, gas, electricity and insurance; the $4 covers food and clothes. This year, her minimum is $55 a month, but the grand annual total is still just $660.

In New Jersey, a couple, he 92 and she 85, are unable to raise sufficient funds to buy badly needed eyeglasses or a hearing aid for the husband. As one consequence, neighbors have falsely tagged the partially deaf man as senile, further isolating the impoverished pair from the community.

These are just three cases out of hundreds of thousands in the U.S. today which have been recently uncovered in an experimental project by the National Council on the Aging to track down isolated, poor, elderly individuals in our cities and towns and then to find ways to alleviate their individual problems.

The cases illustrate, as no national statistics could, the increasingly desperate financial plight of the elderly, especially the very aged, in face of record incomes for younger Americans and of our multi-billion dollar assault on poverty.

Under the Older Americans Act of 1965, a key stated national goal is "an adequate income in retirement, in accordance with the American standard of living." Another goal is "retirement in health, honor, dignity, after years of contribution to the economy."

Yet, today one in three elderly Americans lives below the poverty line: two out of five elderly women who live alone or with non-relatives are in this category; seven out of 10 elderly Negro couples are poor. Today, half of all aged Americans have a yearly income of $1,443 or less. And, relative to the rest of the population the elderly American is faring no better than two decades ago, according to testimony by Milton J. Shapp of the NCOA to the Senate's Special Committee on Aging.

Even with the new Social Security benefit increases, the income of millions who depend entirely on Social Security is below the poverty line. Even with the new Federal programs which have built 300,000 housing units for the aged, only one-tenth of the estimated need has been met.

INTERRELATIONSHIP OF PUBLIC WORKS PROJECTS

Mr. BURDICK. Mr. President, because of some of the important comments which he had to make on the interrelationship of public works projects, I would like to share with Senators today a speech Senator MUSKIE made to the Mid-West Electric Consumers Association not long ago. I believe that his remarks have an importance which goes far beyond the Midwest and that is why I commend them to your attention.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR EDMUND S. MUSKIE TO THE ANNUAL MEETING OF THE MID-WEST ELECTRIC CONSUMERS ASSOCIATION OMAHA, NEBR., DECEMBER 8, 1967

I welcome this opportunity to meet with you. Although your region and mine are separated by hundreds of miles, we are united by a genuine desire for reduced power costs. I was grateful to learn that your able executive director, Mr. Fred Simonton, was especially helpful in the formation of the New England Electric Consumers Association.

We are bound by other ties. We understand the value to the consumer of public power. And we know first hand that the consumer's interest is not always foremost in the planning and operations of our privately owned utilities.

With these shared concerns in mind, I would like to discuss with you the opportunities for reduced power costs across the nation, and the importance of Maine's Dickey-Lincoln School Hydroelectric Project to my region's prospects for lower rates.

The Federal Power Commission has estimated that by 1980, savings of $11-billion a year can be realized from new interconnections, larger and more efficient plants, and nuclear power. That estimate may prove conservative if the technological obstacles are removed from the nuclear breeder reactor which will produce more fuel than it consumes.

The question we ask is whether these savings will be passed on to the consumer. Judging from past and present performance by the private power industry, I have my doubts.

My colleague, Senator Metcalf of Montana, has written an illuminating book on the power industry called "Overcharge." Many of you, I am sure, are familiar with the book. In it, Senator Metcalf estimates that the private companies presently overcharge consumers by $618 million a year. If these overcharges were removed, rate reductions would actually amount to more than a billion dollars. He reasons that when an overcharge is reduced, the company's profit and 48 percent tax on profit also are reduced, thus permitting further rate reductions.

How is this padding possible? Senator Metcalf found that many states are more lenient than the Federal Power Commission. They allow inclusion in the rate base of such factors as estimated fair value of facilities, accumulated tax deferrals, and construction work in progress.

Senator Metcalf also found that some utilities simply make more than they are allowed to, and that the state Public Utilities Commissions do not or cannot do anything about it.

Thus, while the state commissions report that the median rate of return for power companies is 6.1 percent, the Federal Power Commission computes the actual median rate of return at 7.4 percent.

Here is the known overcharge to consumers. We also have evidence that even this calculation is understated. Rate cases in Florida and New York show that power companies there have misstated revenues and expenses. It is not unreasonable to wonder whether such practices are not common elsewhere. The Florida Public Service Commission, never one to hound its utilities, disallowed millions of dollars in excess depreciation when the facts were put before it. The New York Commission, in the Consolidated Edison case still in progress, has received evidence that substantial political and institutional advertising expenditures have been slipped into a number of operating expense accounts, and thus charged to customers rather than stockholders.

There is reason to believe that New England's private utilities have used the same trick with their heavy costs of campaigning against the Dickey-Lincoln School Project. Only one of the major power companies in

my region listed on their FPC reports contributions to the coordinating council which lobbied against Dickey.

The authority of the Federal Power Commission is relatively limited, so our first defense against abuses by the power industry are the state utility commissions. But are they up to the job of policing the nation's biggest industry?

Senator Metcalf believes not. He writes, "The regulated industries account for about one-fifth of this nation's gross national product. Yet the regulatory commissions, especially at the state level, are the most neglected arms of the government—neglected by most of the press; neglected by the universities and foundations; neglected by the legislatures, both state and federal, including appropriations committees.

"On these commissions you will find men at both the commission and staff level attempting under the most trying circumstances to fulfill their public responsibility. Nevertheless, in state after state, a similar story is told about their insufficiency."

A survey by my Subcommittee on Intergovernmental Relations supports Senator Metcalf's belief. We found case after case in which the commissions were understaffed, underpaid, and overwhelmed by batteries of attorneys and accountants for the private utilities.

Let me cite two examples: The Illinois Commerce Commission, with jurisdiction over 10,000 companies with assets of more than $10 billion, reported to my subcommittee that it had no attorney. In Massachusetts, the State Utility Commission has only three accountants, and they are responsible for the accuracy of financial statements filed by all the electric, gas, railroad, bus, telephone, and telegram companies in the state. The Boston Herald observed that a full rate case would be impossible because of the staff limitations of the commission.

Without effective regulation by state utility commissions, what alternative methods are there for encouraging the private power companies to keep their rates down to reasonable levels?

Experience indicates that competition is the best bet. The yardstick of federal, city-owned, and other consumer-owned power systems has proven to be effective.

Throughout the country, the nearer a federal power project, the lower the electric bills. Municipal and cooperative customers pay a third less than their neighbors served by private companies.

It is no wonder, then, as Senator Metcalf says, that the private utilities fear the yardstick of competition more than regulation. I could cite scores of cases where competition or the threat of competition stimulates the private companies to reduce rates or forestall rate increases. Let me mention only the most recent example. In Texas, the Southwestern Public Service Company has proposed rate increases in 60 west Texas towns. But in three communities, served also by municipal systems, the company has not suggested increases.

In my own state of Maine, just the threat of Dickey Power has caused reductions, which I will detail later.

Today, the northeast is the only region of the nation without a federal power project. It is understandable, therefore, that my region suffers from the highest power rates in the country. This also helps explain why the private power lobby, in New England and across the nation, has organized its campaign against Dickey. The northeast is the last competition-free preserve for the power industry, and the industry obviously wants to keep it that way.

For your background information, I would like to outline the development of the Dickey-Lincoln School proposal, and to describe its importance to my region and to the national policy of resource development.

There is more at stake in the congressional debate over Dickey than the construction of a large multi-purpose water resource project. At issue is—

1. Whether the private utilities will retain their stranglehold on New England;

2. Whether their lobby can squash a justified, beneficial project;

3. Whether the public interest will be represented in the planning and development of a balanced and integrated power system for my region;

4. Whether the basic national policy for resource development will survive; and

5. Whether the northeast is an equal partner among other regions under that policy.

Since 1959, I have been a member of the Public Works Committee, where the bulk of our resource development projects are reviewed and evaluated. In the nearly nine years that I have worked with my colleagues on hundreds of projects, I have followed a simple rule: a project should be evaluated on its merits—without reference to the region in which it is located. It should be approved if it meets the tests of being in the public interest, if it contributes to the welfare of the area in which it is located, and if it is economically feasible. These are the tests the Public Works Committee and the Senate have applied.

When Dickey is examined objectively, it meets all of these tests.

The project is the product of a long series of studies beginning with the New England-New York interagency study of the late 1940's and early 1950's.

In 1959, the Joint Engineering Board of the International Joint Commission (United States and Canada) recomended the construction of the Passamaquoddy Tidal Power Project, coupled with the construction of a high dam on the Upper St. John River at Rankin Rapids, which would have flooded the Upper St. John and the Allagash Rivers.

The engineering report was referred to the International Joint Commission for review and evaluation. In April, 1961, the commission rejected the proposed Passamaquoddy Tidal Power Project, but suggested possible development of the Upper St. John.

In the meantime, the National Park Service of the United States had proposed the protection of the Allagash River as a free-flowing, "wilderness" waterway.

I recommended to President Kennedy that the Department of the Interior be assigned the responsibility of reviewing the recommendations of the Joint Engineering Board, the findings of the International Joint Commission, and the recommendations of the National Park Service, for the purpose of recommending a balanced development of the resources of northern and eastern Maine.

In July, 1963, after two years of study, Secretary of the Interior Udall recommended to the President the development of the Dickey Project as a flood control and hydroelectric program, designed to provide 100,000 kilowatts of low-cost firm energy, and 650,000 kilowatts of low-cost peaking power. The project would consist of a high dam on the Upper St. John in the town of Dickey, and a low, re-regulating dam at the site of Lincoln School House. The project would fit into the power requirements of Maine and New England, and would spare the Allagash. The plan was hailed by conservationists because of the protection it provided the Allagash River.

In 1965 Passamaquoddy dropped below 1–1 but the 1965 proposal contained an additional recommendation that the Passamaquoddy Project should receive continuing study, particularly with reference to technological advances.

I want to underscore the fact that the 1963 and 1965 proposals, which are the foundation for the present project, were based on the concept of a generating station designed to produce the bulk of its energy as peaking power. This is absolutely essential to a soundly balanced power system in which there are very large thermal plants—fueled either by fossil fuels or nuclear energy. Dickey-Lincoln School is not an alternative to thermal plants; it is essential to their economic and efficient operation as part of a regional system.

Dickey is an eminently sound project, with a benefit-cost ratio of 1.9–1. It would provide wholesale firm energy for Maine communities at rates two-thirds below those now charged by the private utilities. It would supply essential peaking power to the New England market at rates nearly one-third below current charges and at costs lower than the best alternative proposals made by the private companies.

Since its authorization in 1965, Dickey-Lincoln School has been the subject of the most intensive re-study ever required for a public works project. The staff of the House Committee on Appropriations conducted a special study of the project, including an extensive analysis of the findings of the Corps of Engineers, the Department of the Interior and the Federal Power Commission. They reviewed the allegations made by New England's private utilities. The staff findings sustained the favorable verdict of the public agencies and discredited the arguments advanced by the private companies. The Senate has always supported the project. The House however, this year disregarded the findings of its own subcommittee, and voted down Dickey.

The private power companies have claimed that Dickey-Lincoln School would not affect power rates in New England. The fact is that the threat of Dickey-Lincoln has already had an impact on the power companies of my own state.

Between 1946 and 1963 the three privately owned power companies in Maine sought increases—but no reductions—in their rates. Indeed, during my terms as Governor, the Public Utilities Commission was under constant pressure from power company attempts to push their rates higher and higher.

But in 1963, when the Department of the Interior recommended the construction of Dickey, the three companies, within two months of the Dickey proposal, suddenly discovered it was possible to reduce rates. The reductions weren't impressive and they provided almost no benefits for homeowners, but they were reductions. The total reductions, in 18 announcements made by the power companies since the advent of the Dickey-Lincoln proposal, have totaled $4,161,527.

It should be noted that since 1965, all but one of the reductions were announced just prior to or during the hearings and floor considerations of the Dickey-Lincoln School Project.

This record is extraordinary for companies which had not sought reductions and had been busy pushing rates up for the preceding 17 years. This record and the experience of rate reductions in other areas of the country where publicly owned power projects are located indicate the desirability of competition in the power business.

In Maine, it should be noted that the rate reductions did not result in any belt-tightening by the private utilities. A study of the rate of return received by the power companies indicates that during and since the reductions, two of the three utilities involved have been getting returns in excess of the 6 percent normally set by the Maine Public Utilities Commission. As a result of the discussion stimulated by Senator Metcalf's book, the Maine Public Utilities Commission contracted for a special study of rates of return for Maine utilities. That study moved Governor Curtis to ask the Public Utilities Commission to institute a rate case seeking reductions.

The Maine overcharge problem is matched in the rest of New England. A study of Federal Power Commission statistics shows that in 1965, for instance, the New England private power monopoly overcharged New England consumers $21,034,000. This estimate is based on the normal rate of return of 6 percent applied to this industry.

A study of 28 New England power companies showed that 14 of them had a rate of return of 7 percent or more. Five had a rate of return of 8 percent or more, and one had a rate of 11.18 percent. At these rates of return, it is not surprising that New England homeowners pay up to 35 percent more for power than the national average.

The private power companies have made one other gesture in the direction of improved operation since the advent of the Dickey-Lincoln School Project. Even that is a mixed blessing.

In January, 1966, the power companies released a series of advertisements, announcing the establishment of the "Big 11 Power Loop." In and of itself, it was a confession of past weaknesses, but it promised an integrated power system for the region, based on large nuclear power plants and larger transmission lines.

Later, however, one of the power company executives admitted in a Vermont public hearing that planning for the "Big 11" programs consisted solely of preparing the advertisement. The House Public Works Committee could find no evidence of regional planning by the utilities, except in the advertisements.

Recent developments indicate that the underlying intent of the private companies in promoting the "Big 11" proposal is not so much an improvement in reliability and service as it is another step in their effort to tighten their grip on the New England power market. They have flatly refused to permit publicly owned utilities in Massachusetts to join in a regional transmission system.

The Massachusetts case should not surprise us. What the Federal Power Commission has learned here has been echoed across the country. The FPC Counsel has determined that the Massachusetts municipals were denied participation in the planning activities of the New England utilities. The FPC also found that such exclusion is detrimental to the city-owned systems and constitutes possible violation of anti-trust statutes.

Further evidence that the private utilities want to keep nuclear power all to themselves is overwhelming—in proceedings before the FPC, the Atomic Energy Commission, the Securities and Exchange Commission and the House of Representatives.

It should be noted that Dickey would repay the entire federal investment, with interest, in 50 years. It will return to the Federal Treasury nearly two dollars for every one of the $227 million in federal funds invested in the project during that time period. It will continue to pay a substantial return on the public investment many, many years beyond the end of the pay-back period.

I have yet to hear the private power industry offer to reimburse the Federal Treasury for the nearly $2 billion federal investment in the Civil Nuclear Reactor Program.

There are two other observations which should be made. Without a public power yardstick to gauge the operations of the private utilities, and to stimulate them to develop economies, there is little hope that the northeast will ever catch up with the lower power costs of every other region of the country. Unless the Federal Government builds nuclear or other thermal plants in New England, and I have heard of no such proposal, the yardstick must be a hydro plant. There are few suitable sites in New England for large hydro plants. This means if Dickey fails, the chances would be slim for the success of any other federal public power proposal for my region. In the end, without a yardstick, likelihood of meaningful reductions in power rates would be negligible. Furthermore, if the House does not reverse itself and fund Dickey, no economically feasible project, anywhere in the country, will be safe from raids by the lobbyists of private interests.

I want to point out that many of the House opponents of Dickey have been inconsistent in their positions on the public works appropriations bill, voting against Dickey—while supporting rivers and harbors projects in their own districts which do not measure up to the Maine project.

In the House vote of July 25, for example, congressmen voting against Dickey had 134 projects in their districts which had no benefit-cost estimate, or had a benefit-cost ratio lower than Dickey's. These projects represented 24 percent of the total appropriations approved by the Senate for construction and planning of public works projects—$241.5 million.

I cite these figures to demonstrate that there is no justified pattern in the House opposition to Dickey, and that the House position threatens a national policy based on the merits and economic feasibility of projects.

To my mind, the inconsistency can only be explained as the product of one of the most heavy-handed lobbying campaigns in memory.

Congressmen from districts thousands of miles from New England were approached by representatives of their local utilities, and given erroneous information on the project.

The private utility lobby even rewrote a favorable analysis by the Federal Power Commission, attempting to show that the Commission opposed the project.

This move, carried out by the Electric Coordinating Council of New England, was the most brazen distortion of the findings of an independent government agency in the history of federal power projects..

From the beginning, the private power companies sought to confuse the public and mislead the Congress. The nature of the companies' campaign convinces me that their opposition to Dickey is not motivated by concern for the merits. They obviously enjoy their monopolies and are determined to maintain them . . . at the expense of the public.

The private power lobby was successful this year. We will, of course, pursue the project again in the next session, and we face a tough job. If you share my commitment to Dickey, I urge you to do everything you can to encourage support for it from your region. If my mail is any indication, increasing numbers of residents of New England and other sections are becoming alert to the high cost of power in the northeast, and to the benefits of Dickey. This concern, however, must be translated into political strength, in and out of New England.

You who understand the issue can play a strategic role in education on the issue, in organizing a regional program of support, and in carrying the fight to your members of the House of Representatives. And in that fight, you can count on me.

COPPER POSITION WORSENS

Mr. FANNIN. Mr. President, every passing day brings news of additional problems in the critical copper situation brought about by a marathon disagreement in the copper industry.

Today, additional information has come to my attention in connection with the illegal secondary boycott ordered by the International Longshoremen's Association. Three piers in the New York City area still are experiencing delays and problems in unloading copper because of the ILA's illegal action. Union members, acting under orders from a leadership that says the boycott was imposed by "mistake," are still slowing down the movement of copper stocks into the country.

Mr. President, besides being illegal, this action is directly affecting the prosecution of our war effort. It may, I am reliably informed, result in severe shortages in critical defense areas within a very short time. It is inconceivable to me that patriotic Americans, who are also union members, will allow their leaders to blindly push them into actions that may directly threaten the lives of their relatives, friends, and countrymen fighting at Khe Sanh or in other areas of Southeast Asia.

Yesterday, I was visited by an administration official in my office who sought my support for the President's removal of the gold cover as it affects our currency. His argument in favor of legislation is that it shows the world we mean business when we say we will preserve the integrity of the dollar. I told him, and I repeat it now, that we can have such a demonstration on the part of the President by his merely taking the simple step of invoking the emergency provisions of present labor law. This will certainly demonstrate that he has the courage to do some political belt tightening in his own administration. He has not demonstrated that courage and intention to see this problem settled quickly so far.

Another situation that has come to light today, Mr. President, is the fact that Zambia's two major copper producers have announced they must reduce customer deliveries by 20 percent due to fuel shortages and other production problems. This is serious news also, because it means we have a further tightening of the world supply of copper and more particularly, this Nation's vital war supply.

Here is still another reason—and the reasons are stacking up higher and higher—for the President to act in the national interest and let the copper miners go back to work.

I ask unanimous consent that three articles be inserted in the RECORD at this point indicating the seriousness of our copper problem.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

COPPER DELIVERIES BY ZAMBIA FIRMS TO BE CUT BY 20 PERCENT—TWO MAJOR PRODUCERS CITE FUEL SHORTAGES—IMPORTS BY U.S. DELAYED ON DOCKS—NEW PLEA MADE ON STRIKE

Zambia's two major copper producers said they will reduce customer deliveries by 20% due to fuel shortages and other production problems, further tightening world supplies of the metal.

Elsewhere, shipments of foreign copper into the U.S. continued to be delayed at dockside even though a longshoremen's union insisted it had called off a boycott against copper imports. Civilian orders for domestically refined metal still were banned by Commerce Department directives, and Senate Majority Leader Mansfield reiterated his appeal for President Johnson to bring together

both sides in the 229-day-old nationwide copper strike.

The Zambian producers, Anglo-American Corp. of South Africa Ltd. and Roan Selection Trust Ltd., said their output will be reduced to 80% of normal on March 8 and April 1, respectively. The pair accounted for the bulk of Zambia's 677,000 tons of copper last year, which means their monthly output will be slashed to about 44,000 tons from about 55,000 tons.

Zambia ranks second among Free World copper producers to the U.S., which normally mines about 1.3 million tons annually. The African nation is by far the major non-Communist exporter of the metal, however, with about 40% of its supplies ticketed for European customers under long-term contracts. The remainder goes to Europe and Japan for public sale.

OUTPUT RATES SLASHED

A lack of coal to power refineries has forced both Zambian concerns to lower their production rates during the past year; at one point, output was down to only 67% of normal. Fuel supplies traditionally have come from neighboring Rhodesia, but Zambia has been at political odds with Rhodesia and, thus far, has uncovered only low-grade coal beds within its own borders.

Anglo-American said the Zambian coal was proving more acidic and abrasive than expected and was causing severe damage to the brick lining in the furnaces of copper-processing plants. Company officials said they weren't able to obtain sufficient supplies to operate at capacity.

A Roan Selection executive blamed the slowdown primarily on repairs needed at a plant near the company's huge Mufulira copper mine. The installation's furnace has been switching back and forth between different grades of coal, plus some fuel oil and, as a result, is "in bad shape and likely to be out of action for three months," the executive said.

A scattered disruption in the movement of copper from New York harbor piers is expected to spread today. Since last Friday certain members of the International Longshoremen's Association have refused to load trucks with copper at three piers in Port Newark, N.J., where 5,000 tons of copper wire bars are piled up. Yesterday, a union shop steward notified the Belgian Line that, effective this morning, copper wouldn't be loaded onto trucks at the line's pier in Manhattan. Up to now the tieup has been restricted to Port Newark.

Union members have continued to unload copper from ships but union checkers at Port Newark have refused to tally the copper; union clerks have refused to sign receipts to release the metal; and union men have declined to load the metal on trucks. Yesterday, trucks didn't show up for movement of copper because of the situation in Newark.

CLERICAL ERROR CITED

Thomas W. Gleason, president of the International Longshoremen's Association, announced late last week that the union would refuse to handle copper in a show of support for other unions that have been striking U.S. copper producers. Later, his attorney said that any notice that went out to union members was a clerical error. Mr. Gleason also is president of ILA Local No. 1, which represents all checkers—the men who tally shipments—in the port of New York.

Steamship management is concerned over the stack-up of copper because of its potential weight damage to the piers. The 54-inch long copper wire bars weigh up to 265 pounds each. Should the copper be scattered out over the piers in an effort to spread the weight, too much space needed for general cargo would be used, a management spokesman said.

Steamship managers have been avoiding the start of any possibly "lengthy and frustrating" grievance procedures with the union over the matter because they don't want to precipitate a situation affecting their other general cargo.

A union spokesman wouldn't comment on the stymied copper at Port Newark nor the threat of a further spread of the stoppage to the Belgian Line pier in Manhattan today. He said Mr. Gleason wasn't available to comment on it and that he wasn't aware of the situation.

An "emergency meeting" of the AFL–CIO Maritime Committee is scheduled for this morning to review possible plans of maritime union support for the unions striking U.S. copper producers.

PRICE CHANGE CLARIFIED

In Evanston, Ill., Calumet & Hecla Inc. said it's basing its copper price on the daily London quotation for fire-refined metal, currently around 70 cents a pound. The company, a relatively small producer and fabricator of copper, said it was clarifying earlier reports concerning its change from a former fixed price of 43 cents a pound.

Carrier Corp. stockholders, at yesterday's annual meeting in Syracuse, N.Y., were told that the air-conditioner maker in the past four months has spent between $1,250,000 and $1,500,000 in premiums for high-priced foreign copper. If the U.S. strike continues, it will be "necessary for us to reduce our production schedules and our work force because an adequate supply of copper won't be available at any price," William Bynum, chairman, told the meeting.

Mr. Bynum said Carrier employs about 8,000 hourly workers and has a total force of about 14,000. "When and how many we lay off will depend", he said, adding that Carrier is "now at a point where our results are being seriously affected."

One of the nation's largest manufacturers of electrical and electronic equipment was said to have rushed a truck filled with copper supplies from New York to a Midwestern plant to avoid closing assembly lines there. "Two more hours and the plant would have run dry of copper," asserted a company official.

In Washington, Sen. Mansfield again urged the President to call representatives of the major copper producers and striking workers to the White House. Originally, he made the suggestion over a week ago in a telegram to Mr. Johnson.

He said he had "not yet" received a response from the White House, but added: "I would imagine it will get consideration."

The Commerce Department stuck by last week's ruling that reserved all domestic supplies of refined copper for defense usage only. Only about 25% of the nation's normal refining capacity remains open during the strike, and military orders are running heavy to meet the Vietnam commitment.

COPPER WORSENS PAYMENTS PLIGHT—IMPORTS RAISE THE DEFICIT BY ABOUT $250 MILLION

WASHINGTON, February 27.—The copper strike has given the Administration a tough, three-dimensional problem.

Besides the domestic economic and political effects that normally accompany long strikes in basic industries, the copper shutdown, now in its eighth month, is worsening the already critical deficit in international payments.

Imports of copper as a result of the strike have deepened the payments deficit by approximately $250 million, a Commerce Department official estimated today. The rate of loss to foreign countries as a result of copper imports is $150 million to $160 million a month.

The dilemma facing the Administration is that if it stops the copper imports to save international payments losses it will dislocate industry all over the landscape.

"It's imports that are keeping the economy going," said William A. Meissner, Jr., director of the copper division, of the Business and Defense Services Administration.

Mr. Meissner said the Commerce Department had no intention of lifting its order reserving domestic copper production for defense uses until we are assured that copper (imports) are moving off the docks."

CONFUSED POSITION

The position of the International Longshoremen's Association about handling these imports remained confused, as far as the Commerce Department is concerned. The union announced a boycott on Thursday and withdrew it Friday when legal issues were raised.

Most plants with defense contracts, Mr. Meissner pointed out, need more copper than they use in defense items. For instance, if an operation is producing 10 per cent for defense and 90 per cent for civilian needs, it cannot shut down civilian production and expect to survive with only 10 per cent of its capacity functioning.

Thus, the alternative to avoiding an increase in the payments deficit is a major cut in production of copper-using goods and a cut in employment.

FREEZE IN COPPER RETAINED BY UNITED STATES—ORDER RESERVING ALL OUTPUT FOR DEFENSE STILL STANDS

(By Edward A. Morrow)

The Department of Commerce said yesterday that its order to copper refiners reserving all production for defense use would remain in effect "indefinitely" even though the International Longshoremen's Association had resumed handling of imported shipments.

Rodney L. Borum, head of the department's Business and Defense Services Administration, said in a telephone interview that his agency was aware of the renewed flow of copper through the nation's ports "but at this point we're holding to our order."

He pointed out that the "optimum" stockpile of 775,000 tons of copper had shrunk to 359,000 tons as a result of the strike that began last July at 26 mines.

He put the requirements of plants working on defense contracts at 36,000 tons a month.

UNION POSITION UNCLEAR

Meanwhile the position of the longshoremen's union remained unclear. Last Thursday the union president, Thomas W. Gleason, announced a boycott on the handling of imported copper by dockworkers. That prompted the Government's order to refiners on Friday.

But later Friday, when the legality of the boycott was questioned, the no-handling decision was rescinded until Mr. Gleason could confer with Louis Waldman, the union's legal counsel.

Yesterday Mr. Waldman would only say that "we gave them our views of the situation and hopefully the air will be cleared."

Mr. Gleason said he would announce the union's position today. "We'll have something to say but I don't know yet at exactly what time we'll say it," he added.

While the union leader and other officers were in conference with attorneys, longshoremen continued handling ships carrying copper in Brooklyn and at New Jersey areas of the harbor.

DIFFICULTIES IN NEWARK

The Waterfront Commission reported some difficulties at Grace Lines operations in Port Newark, where longshormen unloaded both zinc and copper shipments but apparently refused to load copper on trucks.

Meanwhile one of the nation's largest copper users, Okonite Co., announced that it was shutting down two of its five plants because of a shortage of raw materials. It

closed operations at plants in New Brunswick, N.J., and Providence, R.I., and cut down operations at plants in Passaic, N.J., and Santa Maria, Calif.

In Washington, Senator Mike Mansfield of Montana, said he had asked President Johnson to summon copper labor and management representatives to Washington, lock them in a room and throw away the key until a settlement was reached.

The Senate majority leader made the statement after Senator Paul Fannin, Republican of Arizona, accused the President of inaction and said the Taft-Hartley Law should be invoked to provide an 80-day back-to-work order.

Senator Mansfield questioned whether the law could be properly invoked and said much of the 80-day cooling-off period might be used simply to get idle mines back in operation only to have them cut off again at the end of the period.

APPROACH TO BETTER HOUSING IN WILMINGTON, DEL.

Mr. BOGGS. Mr. President, last Saturday I had the opportunity to take a firsthand look at a project to rehabilitate houses in Wilmington, Del., being undertaken by an organization called Block Blight, Inc.

This is a group dedicated to the improvement and rehabilitation of private housing, and it was encouraging to me and to Congressman WILLIAM V. ROTH, Jr., of Delaware, to see the progress being made.

While this progress is dependent on the interest and activity of all the officials and directors of the organization, I know that a great deal of the effort is borne by L. Coleman Dorsey, president, and Arnold Goldsborough, vice president. In addition, Block Blight is fortunate to have an experienced administrator in the person of Frank J. Ellis.

A newspaper article in the Wilmington Morning News of February 26, 1968, summarizes our visit, and because I am hopeful that the work being done in Delaware will serve as a model elsewhere, I ask that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OF BLOCK BLIGHT: BOGGS, ROTH LAUD PROGRESS

(By Charles P. Wilson)

Two members of Delaware's congressional delegation praised the work of Block Blight, Inc., after a tour of half a dozen rehabilitated houses in Wilmington.

The tour was made Saturday at the request of U.S. Sen. J. Caleb Boggs, R–Del., who said he was familiar with the work of Block Blight but wanted to see it first hand.

Joining Boggs and Block Blight officials on the two-hour tour was Rep. William V. Roth, Jr., R–Del., the state's only U.S. House member. U.S. Sen. John J. Williams, R–Del., was invited but was unable to attend.

The tour included six of the eight houses in the city which have been purchased and are being renovated by Block Blight. The houses, when rehabilitated, will be sold to persons whose incomes make them eligible for public housing.

Known as the 221–H program, Block Blight uses its private funds to buy and rehabilitate the houses—the total cost limit is $9,500—and then the new owner finances them with a Federal Housing Authority loan.

The rehabilitation of the house includes installation of a completely new bath and kitchen and new appliances, such as a refrigerator and stove, are provided. Private contractors do the work.

In the first house visited, at 1300 W. 6th St., Boggs and Roth met the woman who will buy the house when it is finished sometime next month. She is Mrs. Lucille McManus, a widow with five small children. They now live at 701 W. 6th St.

When Boggs asked Mrs. McManus if she were anxious to move into the home, she replied, "I just can't wait. I wish I could move in tomorrow."

Another house visited by the congressmen, at 1323 W. 3rd St., is to be ready for occupancy this morning, according to William S. Samluk, the contractor who is rehabilitating three houses for Block Blight.

"I am well pleased with what I see here and I congratulate Block Blight on the job it has done. It is an example of what can be done," Boggs said.

Roth agreed with this. "It's a good example of just what public and private cooperation can do in the area of housing," he said.

According to L. Coleman Dorsey, Block Blight president who was on the tour, there are now eight houses in various stages of rehabilitation under Block Blight's program. He said the agency hopes to acquire five more houses soon for the same purpose.

Also on the tour were Theodore O. Spaulding Jr., Block Blight finance manager; James Adshead Jr., an agency board member, and Mrs. Robbie Friz, Block Blight public relations director.

FREEDOM'S RESPONSIBILITIES

Mr. FANNIN. Mr. President, the Freedoms Foundation at Valley Forge, Pa., is doing a work most needed in America. Its yearlong efforts to call attention to our American freedoms, our values, and our heritage is to be commended.

I am particularly interested in the awards which have been given to those members of the armed services who have expressed themselves in regard to the subject of freedom and responsibility.

I wish that it were possible for all Americans to read each of these letters and essays that I have seen. Last week, I placed in the RECORD a particularly significant letter written by an Air Force colonel, formerly stationed in Arizona, who stated his belief in America with firm conviction and telling words for all those who would replace our present form of government for another.

Now, I find still another contact with this outstanding group. Lt. Charles R. Pursley, U.S. Naval Reserve, who is now stationed at the Naval Air Station, North Island, San Diego, Calif., is an Arizonan formerly an employee of mine when I was engaged in business in Arizona.

Mr. President, I ask unanimous consent that Lieutenant Pursley's letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FREEDOMS FOUNDATION AT VALLEY FORGE: LETTERS FROM ARMED FORCES PERSONNEL, 1967—$100 AND GEORGE WASHINGTON HONOR MEDAL AWARD, LT. CHARLES R. PURSLEY, U.S. NAVAL RESERVE, NAVAL AIR STATION, NORTH ISLAND, SAN DIEGO, CALIF.

"FREEDOM—MY HERITAGE, MY RESPONSIBILITY"

"Who will help me plant this wheat?"

"Not I," said the cat. "Not I," said the rat. "Not I," said the pig.

"Then I will do it myself!" said the Little Red Hen and she did.

From childhood we have heard the story of the Little Red Hen and the lazy animals around her. It is a funny story with a happy ending; we all enjoy it.

Not so funny is the story of the Little White Country.

Once upon a time the Little White Country found some seeds of Freedom alongside a river in Concord, Massachusetts. "Who will help me plant these seeds?" asked the Little White Country.

"Not I." said the Royalists. "Not I," said the Shortsighted. "Not I," said many fearful children of the Little White Country.

"Very well," said the Little White Country, "I'll do it myself!" And with the help of Washington and Jefferson and Hale and many more of her children, she did.

After the seeds had sprouted and begun to grow, a horrible weed in the southern end of the garden began to choke out many of the young, tender freedom plants. "Who will help me kill this weed?" asked the Little White Country.

"Not I," said the Selfish. "Not I," said the Bigoted. "Not I," said the people in the southern part of the Little White Country who lived off the fruit of that detestable plant.

"Very well then, I will do it myself!" said the Little White Country. And using Lincoln and Grant, she did—even though many of her children suffered and died and she was sorely wounded.

A short time later a huge bird flew out of the skies of Europe and tried to eat up the tasty stalks of freedom.

"Who will help me fight off this monster?" asked the Little White Country.

"Not I," said the Timid. "Not I," said the Lazy. "Not I," said some of the Little White Country's children who were too busy playing games to even notice the bird.

"Very well," said the Little White Country, "then I shall do it myself!" And with the help of men like Foch and Allenby and Pershing and many of her doughboys, she did.

The plants finally began to ripen and bear fruit when two wicked neighbors tried attacking from different directions, hoping to destroy the crop.

"Who will help me defeat these wicked neighbors?" asked the Little White Country.

"Not I," said the Indifferent. "Not I," said the Weak-hearted. "Not I," said the Communists, until the wicked neighbors turned to hear at their fences; then, they too were willing to help.

"Very well," said the Little White Country, "I shall do it myself!" And along with friends like Churchill and Chiang and many of her own children, she fought off the wicked neighbors in a bloody and brutal battle.

At last the fruit ripened and the Little White Country took some seeds of freedom and gave them to the Little Green Country, who needed them badly. They had just been planted when an Ugly Animal burrowed underneath the young plants, eating away their roots.

"Who will help me frighten away this Ugly Animal?" pleaded the Little Green Country.

"Not I," said the Pacifists. "Just be nice and when the Ugly Animal is full, it will go away!" "Not I," said the Isolationists. "It's none of our concern!" "Not I," said the Cowards. "I'm too young and handsome to die for you!" "Not I," said the rest of the world. "You're a small country and the Ugly Animal has powerful friends. Take care of your own problems.

"Then I will help," said the Little White Country. And she has.

This story has no happy ending yet. The Ugly Animal digs while the Little White Country, in spite of the grunts, squeals and groans from within still helps. Why? Because

freedom is its heritage and therefore its responsibility, so the obligation cannot be avoided. So the call still goes out, "Who will help?" Will you?

THE COPPER INDUSTRY STRIKE

Mr. FANNIN. Mr. President, I have just learned that the NLRB has issued a complaint against the United Steelworkers of America and other unions striking copper companies charging them with an illegal refusal to bargain by insisting on companywide negotiations. I am gratified that the General Counsel has seen fit to take this action. I only regret that he did not take this action sooner.

On Monday, I brought this matter to the attention of the Senate and at that time asked the President to expedite action in the case. The distinguished majority leader yesterday informed the Senate that he had inquired about the status of the case. He expressed his own concern that the case be consummated as soon as possible, since it might provide an opening for the companies and unions to begin negotiations once again.

I can only repeat, and I am sure I express the sentiments of the majority leader, that I am happy to see the General Counsel's Office move so expeditiously.

NATIONAL VISITOR CENTER FACILITIES ACT OF 1967—CONFERENCE REPORT

Mr. JORDAN of North Carolina. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill—H.R. 12603—to supplement the purposes of the Public Buildings Act of 1959—73 Stat. 479—by authorizing agreements and leases with respect to certain properties in the District of Columbia, for the purpose of a national visitor center, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The bill clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 12603) to supplement the purposes of the Public Buildings Act of 1959 (73 Stat. 479), by authorizing agreements and leases with respect to certain properties in the District of Columbia, for the purpose of a national visitor center, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 15, 20, 21, 22, 23, and 25.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 4, 8, 9, 10, 11, 13, 14, 16, 17, 19, 24, and 26; and agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "twenty-five"; and the Senate agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "twenty-five", and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment, as follows: Restore the matter proposed to be stricken by the Senate amendment and on page 3, line 23, of the House engrossed bill strike out "$3,000,000" and insert in lieu thereof the following: "$3,500,000"; and the Senate agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7 and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken by the Senate amendment, on page 4, line 9, of the House engrossed bill strike out the first comma and all that follows down through and including the comma on line 10 of page 4; and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the matter proposed to be stricken by the Senate amendment, on page 6, line 12, of the House engrossed bill strike out "in accordance" and all that follows down through and including "1959" on line 13 of page 6; and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment, as follows: Restore the matter proposed to be stricken by the Senate amendment and on page 7, line 9, of the House engrossed bill strike out "111." and insert in lieu thereof the following: "110."; and the Senate agree to the same.

JENNINGS RANDOLPH,
B. EVERETT JORDAN,
JOSEPH D. TYDINGS,
H. L. FONG,
Managers on the Part of the Senate.

KENNETH J. GRAY,
ROBERT E. JONES,
JOHN C. KLUCZYNSKI,
JOHN A. BLATNIK,
JIM WRIGHT,
JAMES R. GROVER, JR.,
FRED SCHWENGEL,
WILLIAM C. CRAMER,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JORDAN of North Carolina. Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina.

The motion was agreed to.

TRIBUTE TO REPRESENTATIVE BOB ASHMORE, OF SOUTH CAROLINA

Mr. HOLLINGS. Mr. President, when the final gavels fall sounding the end for this session of Congress, the end of several distinguished legislative careers will also be sounded. Several of our number have chosen not to return. A colleague of mine from South Carolina who has been in the public service of my State nearly 40 years, Representative ROBERT T. ASHMORE, is among them.

When BOB ASHMORE announced recently that he would not seek to retain his congressional seat, his supporters and friends in his district and indeed people throughout South Carolina were struck instantly by the fact that a large void would have to be filled.

When BOB ASHMORE finishes this year in the House of Representatives, he will have served the Fourth Congressional District of South Carolina for 16 years.

But his public service began long before he came to the Congress in 1953. For 38 years, beginning just 3 years after he finished law school at Furman University, BOB ASHMORE has dedicated himself to public service and civic endeavors for his city, his county, his district, and his State.

He is a product of Greenville County, in the upper regions of my State which is in the foothills of the Blue Ridge and Smoky Mountains. It is an area where the hallmarks of personal relationships are truth and loyalty. That BOB ASHMORE has been constantly returned to public office by his people for 38 years is mute testimony to his personal integrity.

He was first elected to the position of the public prosecutor as solicitor for his Greenville County in 1930. He served there for 6 years until elected solicitor for the 13th Judicial Circuit. He was reelected four times to the solicitorship and then was elected to Congress in 1953.

As a lawyer and public prosecutor, BOB ASHMORE was always dedicated to the principles of the Constitution and has fought many battles for those principles as a member of the House Judiciary Committee.

He has been in the forefront of the efforts to insure that the schools of America are not run by the dictates of the Federal Government and to make sure that those who incite riots do not take advantage of civil rights laws to do so.

As a member of the Judiciary Committee and the House Administration Committee, BOB ASHMORE is the only Member of the House in history to serve as the chairman of the Subcommittees on Elections and Claims at the same time.

These are not assignments which make headlines. But typical of BOB ASHMORE'S long and arduous public service, he has toiled unobtrusively in his dual-chairmanship to keep the wheels of judicial and election machinery operating smoothly.

BOB ASHMORE has also kept in mind that the backbone of his district is the textile worker. He has recognized for a long time that cheap foreign textile imports threaten the jobs of his many people. He was a key figure in getting a "one-price" cotton system established which literally is the reason many of the cotton textile manufacturers can afford to be in business today.

BOB ASHMORE served in Congress while I was Lieutenant Governor and Governor, and continues to serve while I serve as a Senator from South Carolina. I have had the opportunity to work with him many times and was proud to be elected

to a position where I could call him a colleague.

I am sorry he has decided to retire. But he has earned it. I wish him and his gracious wife and their daughter well.

I conclude by telling the Senate what I know the people of the Fourth District of South Carolina and his House colleagues would tell BOB ASHMORE about his retirement: BOB, you will be missed greatly.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

INTERFERENCE WITH CIVIL RIGHTS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 705, H.R. 2516.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. Calendar No. 705, H.R. 2516, a bill to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to its consideration.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order of the Senate, the Senator from Oregon [Mr. HATFIELD] is recognized for 15 minutes.

SENATE CONCURRENT RESOLUTION 63—EXTENSION OF THE WAR IN SOUTHEAST ASIA—SENSE OF CONGRESS RESOLUTION

Mr. HATFIELD. Mr. President, I submit a concurrent resolution, which I shall read and then send to the desk:

S. CON. RES. 63

Whereas, extension by the United States of the Vietnam ground war beyond the limits of South Vietnam could constitute a widening of the conflict beyond the intended authorization of the Gulf of Tonkin Resolution; Therefore be it:

Resolved by the Senate (the House of Representatives concurring), That it is hereby declared to be the sense of the Congress that if the President determines that it is vital to the interests of the United States to extend the Vietnam ground war beyond the limits of South Vietnam, the President should first obtain full participation in this decision by the United States Senate and House of Representatives.

The PRESIDING OFFICER. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 63) relating to the extension of the ground war in Vietnam, was referred to the Committee on Foreign Relations.

Mr. HATFIELD. Mr. President, the erosion of the role of Congress in the determination of U.S. foreign policy has recently generated a great deal of concern in the Senate and House of Representatives. The intended relationship between the executive and legislative branches in foreign policy matters has become imbalanced, with Congress often merely endorsing the prior executive action. This distorted relationship is particularly significant and disturbing with respect to our involvement in Vietnam. I believe there should be a more meaningful participation on the part of Congress in determining the scale of United States involvement in Southeast Asia and elsewhere.

The resolution which I present at this time was drafted to clearly restore this responsibility to Congress in the event that the President determines it is necessary to extend the ground war beyond the borders of South Vietnam.

The resolution attempts to assure that the will of the Congress and the will of the American people shall affect any such decision and attempt to extend the ground war. And there is evidence that the administration is giving serious consideration to this option which would produce consequences of such magnitude that it is imperative that Congress fully participate in this action.

The question is really not whether we are trying to undo any action taken by a previous Congress as it relates to the war in Vietnam or to the question of the policies followed in Vietnam, but rather the question that I raise in this resolution deals with the basic constitutional relationship between the executive and the legislative branches of the Federal Government.

I feel it is time that Congress interdict by this kind of action the growing trend of continued power being vested in the hands of the executive branch in such important matters as war and peace.

This is not an easy question to resolve, because if one looks back at the beginnings of our country and studies the proceedings of the Constitutional Convention, he will find, of course, that there was even then a great deal of discussion as to who should possess the warmaking powers. I think if one refers again to probably the greatest treatise on the Constitutional Convention and the original constitutional provisions, he will read in the Federalist Paper No. 69 that—

The President is to be Commander in Chief of the Army and the Navy of the United States. In this respect his authority would be nominally the same as that of the King of Great Britain, but in substance much inferior to it.

As the Federalist Paper continues:

It would amount to nothing more than supreme command and direction of the military and naval forces, as first General and Admiral of the confederacy;

While that of the British King extends to the declaring of war and to the raising and regulating of fleets and armies; all which by the Constitution under consideration would appertain to the Legislature.

It is evident that both the executive and legislative branches have a voice, under the Constitution, in the major decisions affecting this Nation's foreign relations. The Hoover Commission Task Force on Foreign Affairs once observed that—

While to a very considerable extent the initiative remains with the President, the Government-wide conduct for foreign affairs requires joint executive-legislative cooperation, both in determination of objectives and to a lesser extent in formulation and execution of policies.

In the formulation of foreign policy of the United States, the primacy of the President as the representative of the Nation is recognized. The Supreme Court stated this in 1936 in the case of United States against Curtiss-Wright Export Corp. The Court said that this concept of the President as the national representative in the conduct of our foreign relations was not dependent alone upon authority granted by Congress. Nevertheless, it was to "be exercised in subordination to the applicable provisions of the Constitution."

The Court noted that the President, not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries, and especially in time of war.

The President's freedom to act as the representative of the country in foreign relations and his power to make treaties and executive agreements permit him to commit the Nation to a course of action or become involved in one where the use of Armed Forces may be finally required. The President can thus confront the people and their representatives in Congress with faits accomplis at will. As E. S. Corwin has observed—

But, on the other hand Congress is under no constitutional obligation to back up such *faits accomplis* or to support the policies giving rise to them. And Congress has * * * vast powers to determine the bounds within which a President may be left to work out a foreign policy. Indeed, it may effectively block Presidential policy by simply declining to pass implementing legislation—appropriations for instance.

The President's power as Commander in Chief has been used many times—some without congressional sanction and some followed by congressional approval. Most of these actions has directly related to the protection of American lives and property. The 14th amendment of the Constitution guarantees the privileges and immunities of U.S. citizens, and these have been held to include the right of protection abroad.

Authorities differ on the number of occasions in which American troops have been landed abroad for the protection of American interests. It is not necessary to describe all of the cases here.

Where the use of our forces involved intervention, the causes were generally local disorders, revolutions, supervising elections, offenses against American citizens, and the pursuit of slavers and pirates. With the exception of the forces involved in the Boxer Uprising and the capture of Peking, the number involved was usually small. When many troops were required, congressional approval was usually obtained. The interventions

were often of short duration. None undertaken on Presidential initiative was expected to result in war, although some authorized by Congress did lead to war or a status analogous to it.

On several occasions U.S. Presidents have acted to repel actual or threatened invasion of the United States or threats to our national safety:

In 1793, President Washington directed General Wayne to drive out of the Northwest Territory any British troops which might be found stationed there.

In 1816, 1817, and 1818, under Presidential orders, American forces invaded Florida to suppress English and Indian marauders.

In 1846, President Polk directed General Taylor to repel any Mexican invasion of disputed territory.

In 1916, President Wilson sent troops into Mexico to capture the bandit leader Villa, who had been raiding border towns.

However, the extent to which the President alone can go in the use of Armed Forces to further or protect the foreign policy of the United States is in considerable doubt. Prof. Quincy Wright has said:

> National territory, persons, ships, and official agencies are tangible things and there can be no question of the President's right and duty to use the Armed Forces to protect them when actually attacked or in immediate danger. A more difficult problem arises when more remote danger or intangible policies are the object of attack. Can the President announce in behalf of the United States such policies as the Monroe Doctrine; the open door in, and the territorial integrity of, China; the police power corollary of the Monroe Doctrine; the good-neighbor policy; and United Nations solidarity against aggression, deemed to be in the interest of American defense and prosperity, and use the Armed Forces to maintain them? The announcement of such policies has often carried the implication that forces would be used if necessary. It would appear doubtful, however, whether the President can justify such uses of force without further authorization of law than can be found in any broad terms of the Constitution. If such policies have the object of maintaining general international law, however, the President may justify action on the ground that international law is part of the law of the land.

Although the President is Commander in Chief, his power is a military power and not a legislative one to declare war. The power to declare war rests solely in the Congress; and the other powers of Congress indicate that legislative power is involved in the conduct of war.

As the Supreme Court said in United States against Macintosh:

> The Constitution * * * wisely contemplating the ever-present possibility of war, declares that one of its purposes is to "provide for the common defense." In express terms Congress is empowered "to declare war," which necessarily connotes the plenary power to wage war with all the force necessary to make it effective; and "to raise * * * armies," which necessarily connotes the like power to say who shall serve in them and in what way.

However, while Congress has the power to declare war, the President has the power to make war. This is indicated by the debates in the Constitutional Convention on the question of vesting in Congress the power "to make war":

> Mr. Pinkney opposed the vesting this power in the legislature. Its proceedings were too slow * * *. Mr. Butler * * *. He was for vesting the power in the President, who will have all the requisite qualities, and will not make war but when the Nation will support it. * * *
>
> Mr. Sharman (Sherman) thought it stood very well. The Executive should be able to repel and not to commence war. "Make" is better than "declare" the latter narrowing the power too much.

The word "make" was changed to "declare" to give "the Executive the power to repel sudden attacks."

Congress has never declared war except as a consequence of the President's acts or recommendations. It has never refused to authorize war when requested by the President. Out of 11 serious and extended engagements of force against other nations, six have been conducted without Congress "declaring war" at all.

Those engagements which took place without any congressional declaration are the undeclared naval war with France, 1798; the first Barbary war, 1801; the second Barbary war, 1815; the American-Mexican hostilities, 1914; the Korean war, 1950; and the Vietnam war, 1964.

Those where war was declared are the War of 1812; the Mexican War, 1846; the Spanish-American War, 1898; the First World War, 1917; and the Second World War, 1941.

Let me emphasize the point that we may have our differences on the validity of the policy we are now following in Vietnam as it relates to this war, but that is not the reason for the resolution I offer at this time. Rather, I wish to emphasize that at some point, it seems to me, there should be clarification. It may necessitate a constitutional amendment. But it seems that we must get a focus of discussion and dialog on this important question of the relative relationships and responsibilities between Congress and the President in reference to this war and in future wars, which we hope will not happen.

I grow quite concerned when I see the constant escalation, expansion, and extension of our forces and the deeper involvement in which we find ourselves, without further and continued and greater participation on the part of Congress.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. FULBRIGHT. Mr. President, I should like to join in what the Senator from Oregon has just said about the need for a discussion of the war.

It seems to me that the real question now—although he has raised it as a constitutional question, as to the constitutional authority of the President—is the wisdom of having a discussion for clarification of our purposes and having that discussion in public in order to try to bring about greater understanding and, hopefully, unity in the country and in this body in support of the war or in support of an alternative policy.

As a matter of wisdom, I believe the Senator is absolutely correct. It is very appropriate and needed. I believe this is all the more emphasized by the revelations recently as to the very questionable nature of the so-called Tonkin Gulf resolution, which has been used heretofore as justification for our policy.

So I would certainly want to join the Senator in what he has said and in support of his resolution as a vehicle for the discussion of the present purposes, and especially the future course of action we should follow in the national interest in the war in Vietnam.

Only yesterday, there were statements by the administration about the commitment of our word. And the thought occurred to me then, whose word is it? Is it the word of the United States, or is it just the word of individuals who are temporarily in charge of the administration? There has always been a distinction between whether the President's personal policy is such and such and the national policy as expressed in such things as a treaty.

I believe that this type of discussion now, which would develop these points, would be very much in the national interest, and I congratulate the Senator for raising this question at this time.

Mr. HATFIELD. Mr. President, I appreciate the comments of my good friend, the distinguished Senator from Arkansas.

I might further comment, in discussing home of these commitments with the chairman of the Committee on Foreign Relations, that I believe it is quite obvious that the President of the United States in his role as director of foreign affairs, has obviously been able to use the method of Executive agreement to make many commitments to other nations and to utilize American manpower and American resources without a participating role on the part of Congress.

I should like the Senator from Arkansas to correct me if I am in error, but I believe that today we have approximately seven multilateral and 50 bilateral agreements involving status-of-forces provisions. This again puts us into an interesting relationship in this day, when we have forces stationed in other countries by Executive agreement, which carries with it great implications, leading to possible hostilities and possible war, and again circumventing the proper role of Congress as a check and balance against the Executive.

In fact, we were called upon, through the action of the Committee on Foreign Relations, to approve a treaty of comity and economic relations with Thailand—at the same time that we have 40,000 troops in Thailand under our status-of-forces agreement, exercised through Executive agreement, in which we played no part at all; yet, this comity treaty was an insignificant action, really, in which we were called upon to advise and consent.

It disturbs me a great deal that we find ourselves precommitted in many instances by the actions of one man, which can lead to great possibilities of war, and as to which we are totally without a check and balance upon the actions of one man.

I am reminded of what Abraham Lincoln said when he was talking about the power the President has to wage war. He said that the most kingly of all op-

pressions was that oppression by which kings, in the name of protecting their people, would impoverish their people by war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Abraham Lincoln said that the drafters of the Constitution at Philadelphia recognized this kingly oppression, and they very carefully developed a document which would not permit one man to take this kind of action.

That is why I introduced this resolution and why I inquired of the Senator from Arkansas about the status-of-troops arrangement.

Mr. FULBRIGHT. I believe the Senator is correct. The participation of Congress in these important agreements is essential, particularly if one takes the view that it is our commitment. This is, of course, a matter with which my committee has been concerned in the resolution regarding commitments, which is due to come up for discussion, I hope, within a month.

I believe this entire area should be examined as a general principle. But even far outweighing the importance of that matter is the immediate crisis we are in—a very serious war, which has never been properly discussed and understood by Congress, and particularly by the people.

At this juncture, when apparently we are faced with a decision to greatly enlarge its scope—there is talk in the press of 100,000 additional men—this is the time when I believe that a debate on this subject should be precipitated and, for whatever it is worth, the views of Congress should be available to the Executive in making his decision as to whether to go all the way in this war, the end of which no one can foresee, or to seek a compromise of this terrible war.

Mr. HATFIELD. I thank the Senator from Arkansas.

Mr. President, I believe that my time has expired, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FILING AND RECORDING OF JUDGMENTS OR DECREES IN OFFICE OF RECORDER OF DEEDS IN THE DISTRICT OF COLUMBIA

Mr. BIBLE. Mr. President, I ask that the Chair lay before the Senate a message from the House of Representatives on S. 1227.

The ACTING PRESIDENT pro tempore laid before the Senate the amendment of the House of Representatives to the bill (S. 1227) to provide that a judgment or decree of the United States District Court for the District of Columbia shall not constitute a lien until filed and recorded in the office of the Recorder of Deeds of the District of Columbia, and for other purposes which was on page 4, after line 3, insert:

SEC. 4. (a) The amendments made by the first section and section 2 of this Act shall apply only with respect to judgments or decrees rendered in, or recognizances declared forfeited by, the United States District Court for the District of Columbia on and after January 1, 1968.

(b) The amendment made by section 3 of this Act shall apply only with respect to writs of fieri facias issued by the United States District Court for the District of Columbia on and after January 1, 1968.

Mr. BIBLE. Mr. President, I move that Senate concur in the amendment of the House to the bill, S. 1227, providing that judgments or decrees of the U.S. District Court for the District of Columbia shall not constitute a lien until filed and recorded in the office of the Recorder of Deeds of the District of Columbia, with an amendment in lieu of the matter proposed to be inserted by the House amendment, to provide that the amendments made by the first section and section 2 of the act shall apply only with respect to judgments or decrees rendered in, or recognizances declared forfeited by the U.S. District Court for the District of Columbia on and after April 1, 1968.

Mr. President, the bill passed the Senate last year and it was passed in the House of Representatives late in the session last year. It came back to the Senate early in January.

The purpose of the amendment is to conform the date to the present time, and, therefore, instead of the date being January 1, 1968, as provided by the bill passed by the House, it is now necessary to amend the bill to provide that the effective date should be April 1, 1968. The new date is acceptable to the committee and it is acceptable to the Members of the House of Representatives to whom I have talked.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read the amendment, as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

"SEC. 4. (a) The amendments made by the first section and section 2 of this Act shall apply only with respect to judgments or decrees rendered in, or recognizances declared forfeited by, the United States District Court for the District of Columbia on and after April 1, 1968.

"(b) The amendment made by section 3 of this Act shall apply only with respect to writs of fieri facias issued by the United States District Court for the District of Columbia on and after April 1, 1968."

Mr. BIBLE. Mr. President, I move that the Senate concur in the House amendment to S. 1227 with an amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Nevada.

The motion was agreed to.

THE POVERTY AREA BUSINESSMAN

Mr. JAVITS. Mr. President, last year my amendment was included in the Economic Opportunity Act of 1967, to require the Small Business Administration to increase its efforts in providing management training and technical assistance for minority group businessmen.

During the consideration of that amendment and subsequently, I became more aware of the difficulties of minority group and small rural enterpreneurs to become a viable part of our economic system. The statistics sharply point up that successful Negro, Puerto Rican, Mexican American, and rural white businessmen are hard to find. For example, in New York City only 10 Negro-owned businesses employ more than 10 employees. In rural America, nearly 1.5 million small farmers earn less than $5,000 per year.

This week's issue of Newsweek magazine contains a piece entitled "The Ordeal of the Black Businessman." The article discusses some of the often insurmountable problems which these businessmen face every day. I ask unanimous consent that the article be printed in the RECORD at the conclusion of my remarks.

Certainly we in Congress have an obligation to find out how Government, working together with the private sector can better assist these businessmen. It is my hope that the Small Business Committee, of which I am the ranking minority member, will hold hearings on this subject this spring.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE ORDEAL OF THE BLACK BUSINESSMAN

Little Taylor's soft brown face was designed to wear a smile; without one, she looks awkward and somehow incomplete. But Mrs. Taylor isn't smiling much these days. Standing behind the flimsy plywood counter of her small laundry and dry-cleaning shop in South Oakland, Calif., she looks like a soldier dug into an indefensible position and living constantly with fear, anger and despair. Mostly she is pleasant, with a forced calm, pulling hard at menthol cigarettes. But sometimes she bursts into quick, uncontrollable rage—and afterward seems lost and bewildered.

Mrs. Taylor's shop, an enterprise that began in 1960 on a stake of $1,000 saved up over thirteen laborious years, is crumbling into ruin. Her debts total nearly $20,000; her receipts are half what they should be; she is $240 behind on her rent. And she is no hard-luck case, but a sadly typical sample of the Negro entrepreneur; undercapitalized, forced to locate without compensation, hounded by creditors and trapped by the poverty of her own customers. "Look," she says fiercely, waving at the sagging racks of neatly packaged clothing, "that's where all my money is. They bring the clothes in, but they don't pick them up because they don't have the money. I got clothes here that been hanging eight months. What can I do? I can't blame them. They just don't have the money."

The business was rough from the start, and got worse when a subway project condemned her first location in 1965. It was November 1966 before Mrs. Taylor got a Small Business Administration loan to open up again. It wasn't enough. "I couldn't even buy soap," she says. "Right from the start I was dipping into the business to keep afloat."

"Now I'm just waiting. A dry-cleaning company is suing me, the SBA man comes around asking for his money, I got clothes

piled up because I can't send 'em out. I'm working fourteen hours a day because I can't afford help. I might lose my home, oh, Lord, I've done all I can do. I'm just waiting for them to come and get their equipment and close me out."

In the tragic plight of the Negro in America, the black businessman doesn't loom very large. Understandably, his problems take a back seat to the urgent daily crises of Negro employment, housing, income maintenance and education. Yet in the long run, if the Negro is ever to break out of poverty and inferiority to become a full member of U.S. society, he must have access to the levers of power and the assurance the road to the top is open to him. And this means, among other things, the development of a genuine black business class. "The key word is pride," says William R. Rudgins, president of Harlem's flourishing Freedom National Bank "We've got to think about our tomorrow, these black kids who are now 10, 12, 13 years old. When they see black men succeeding, they begin to think they can do it."

It is, after all, a classic vision of the American dream: be your own boss, hold your head high, make a lot of money, swing a lot of weight. It is a powerful vision, and a major force in the innovative, competitive thrust of the nation. Yet a black man who tries to follow this vision runs into the same bleak tangle of barriers that confront Negroes who try nearly anything else.

The basic disadvantages are the same: Southern rural or Northern ghetto life, with its disintegrating, numbing weight; poverty and lack of resources; inferior education, and the grinding fact of prejudice and discrimination. But a Negro hoping to go into business faces another large problem: the lack of an entreprenurial heritage. "When I was growing up, business was a dirty word in the average Negro home," recalls Wilburforce Clark, Jr., executive director of New York's Interracial Council for Business Opportunity. "The businessman was the enemy. Success for a Negro was to be a lawyer, maybe a doctor. There was no exposure to business."

Mom and Pop: Certainly, a young Negro has very few business heroes available. Nobody knows just how many Negro-owned or Negro-controlled businesses there are in the nation. Berkeley Burrell, president of Washington's National Business League, estimates the total at only 50,000 (if Negro businesses reflected the 11 per cent black share of U.S population, the figure would be ten times higher). Of this handful, only a few employ more than 100 people or have annual volumes that put them into the middle ranks of American business. The North Carolina Mutual Life Insurance Co., the largest Negro-owned business in the country, ended 1967 with assets of $94 million and 1,772 employees. But the vast majority of black businesses are struggling, mom-an-pop operations clustered in the ghetto; one-car taxicab companies, grocery stores, beauty shops, undertaking parlors, and barbecue stands.

With such a tradition, most Negroes who do go into business tend to be a bit timorous of the hazards of expansion, cautious in their financing and reconciled to a life on the economic fringe. And when an ambitious Negro tries to expand his operations or invade a field outside the traditional ones, he collides head-on with a financial power structure that judges him by yardsticks he doesn't understand, offers him help and, all too often, penalizes him merely for being black. He has trouble getting bank loans, suppliers often gouge him, and if he can get insurance at all, he may pay three times what a white businessman pays. It is this confrontation that nourishes the bitter black complaint that whitey is deliberately keeping Negroes subservient in a kind of economic colonialism. White businessmen, says Clarence Rich, the 60-year-old Negro owner of Dixie Deluxe Sausage Co. in Chicago, refuse to handle his product except in ghetto stores because "they are not interested in our product. They just want to take our money."

No Credit: Clearly, no such conspiracy exists; most of the black businessman's problems stem from the primary fact that, by the traditional rules of the game, he shouldn't be playing it. He is generally undercapitalized to begin with, and thus can't get revolving credit. In the normal fluctuations of business, he inevitably has to skip a few payments to his landlord or suppliers. Thus, when the time comes to seek a bank loan, his credit rating automatically rules it out. The banker, say Walker Smith, Negro consultant to the Small Business Administration in Detroit, "doesn't look at the fact that the Negro has continued to struggle and stay in business, rather than declare bankruptcy." The banker may have other qualms. Few Negroes are adequately trained in business methods that whites take for granted, including such elementals as bookkeeping. Loan applications frequently betray a woeful confusion as well as a total lack of collateral, credit history and supporting fact. From the business viewpoint, as one Houston banker sees it, such deals simply don't make sense. "We're really not too anxious to loan $6,000 for 60 days," he says, "when, under present rates, all we can make is $60 interest. Look at it: we stand to make $60 at the risk of losing $6,000."

In addition to lack of money and training, the black businessman is usually confined to the ghetto—a fact that brings hazards of its own. Fully 80 Negro-owned businesses were looted or burned out in last summer's Detroit riot. And short of such spectacular outbreaks, black businessmen have to deal with the day-to-day facts of ghetto life: vandalism, shoplifting and their customers' marginal economic status. Just three weeks after she opened a brave little boutique called Somethin' Different in the Crown Heights section of Brooklyn, ex-secretary Jackie Williams walked into the shop one morning to find that burglars had cleaned her out of the entire stock. "The only thing that saved me," she says, "was the fact that my suppliers had been demanding cash, and half of my orders hadn't been delivered because I didn't have the money."

Negroes, of course, have no monopoly on lack of money, lack of training or the day-to-day hazards of business life—though they do have more than their fair share. But their final burden, magnifying all the others, is uniquely theirs—and in the end, it may be the heaviest for the black entrepreneur. This is, simply, the prejudice of the white world. Occasionally it is ugly and open; in Alabama last year, Selma police frankly harassed the trucks of a Negro farm cooperative, holding them in the hot sun for "questioning" until perishable produce spoiled. More often, though, discrimination comes dressed in the impenetrable armor of evasion, delay and bureaucracy.

For seven long years, Argia Collins had been dipping into the profits of his barbecue restaurant to finance the production of Mumbo Barbecue Sauce. A richly pungent blend bottled in Collins's plant on Chicago's South Side, Mumbo had a small but loyal following; but Collins knew it would never be profitable unless he could sell it through the big supermarkets.

Year after year, Collins began negotiations in January or February; the store chains would point out that barbecue sauce is a summer product, and ask him to come back in April. When he appeared, a sample of Mumbo would be taken for analysis. "This would take 30 days," Collins says. "Then it might take a couple of weeks more to get another appointment to discuss things. Then the matter would have to be brought before the buying committee; but as it turned out, the committee didn't meet on schedule and I would have to wait for the next meeting. Then somebody would tell me that it was too late in the season for the chain to be buying barbecue sauce." Next year there would be a different buyer, and the whole humiliating charade would have to be repeated. There was never any overt criticism, never any obvious discourtesy, never any unpleasantness. Just once, a staffer at one of the big chains looked up at Collins and blurted: "You really have a lot of patience, don't you?"

Just as in other areas of the civil-rights struggle, there is an almost bewildering profusion of programs designed to help the black entrepreneur—and their partisans broadcast a thoroughly confusing tangle of contradictory claims and criticisms. Beyond doubt, all of them are meant well and most do at least some good. Among the most prominent:

Government aid: The black businessman's easiest source of credit is the Small Business Administration, operating both through its regular lending program and the "economic opportunity loans" available under the Economic Opportunity Act of 1964. In the first half of this fiscal year, the agency made 7,203 loans totaling $305.2 million; of this, $8.5 million went to 584 Negroes. The aid to Negroes is more pronounced under the EOL program (439 of a total 1,601 loans). But these loans, officials say, are made under such flexible criteria that they are actually character loans, and default rates have been estimated at a whopping 25 per cent. The SBA also sponsors the 4,000-man Service Corps of Retired Executives, a volunteer organization whose members help and counsel SBA clients with business problems, and it is trying to prod reluctant commercial banks to take advantage of Federal loan guarantees in minority areas.

Business aid: In the biggest such venture to date, Philadelphia's First Pennsylvania Banking & Trust Co. agreed in September 1966 to funnel loans to ghetto businesses through an all-Negro organization called the Businessmen's Development Corp., which provides skilled counseling to loan applicants and acts as their advocate with the bank. Since its inception, the program has resulted in 82 loans totaling just over $1 million.

In a similar program, an organization called the Interracial Council for Business Opportunity has been working since 1963 in New York, Newark, Washington and Los Angeles to provide counseling and loan assistance for black entrepreneurs. The ICBO uses volunteer business experts and has counseled some 2,000 businessmen. In one prize case, the ICBO advised 48-year-old Preston Lambert to fold up his failing Brooklyn restaurant, then helped him work out a no-money-down franchise with Chicken Delight. Lambert says his Chicken Delight outlet in the Williamsburg section of Brooklyn netted him $18,000 last year, and he himself is now one of the ICBO's 400 volunteer advisers.

Aid from civil-rights groups: The movement so far has used most of its muscle to force progress in employment, housing and education. But in one significant development, Martin Luther King's Operation Breadbasket has widened its boycott threat to include Chicago stores that don't stock the products of black businessmen. Operation Breadbasket provided, among other things, a happy ending for Argia Collins' story: his Mumbo Barbecue Sauce is now distributed in 95 per cent of Chicago's stores and sales tripled last year.

Self-help efforts: These range from the paneled grandeur of Harlem's Freedom National Bank, with $25 million in deposits and $14 million outstanding in ghetto-development loans, to the struggles of Negro attorney Cora Walker to establish a cooperative grocery store a few blocks away. In all such cases, the goal is green power, to be reached as much as possible by the Negro's own efforts; Mrs. Walker, for example, is selling shares in her Harlem enterprise for $5 each

and says she has 15,000 shareholders, almost all of them low-income Negroes living in the area. And in Boston, 34-year-old Donald E. Sneed Jr. has nearly reached his goal of $1 million in capitalization for the Unity Bank & Trust Co., to be operated out of a storefront in the Roxbury ghetto.

So progress is being made, and perhaps the most visible symbol is the almost daily parade of small black faces from neighboring schools trooping through Harlem's Freedom National Bank. When the tour is over, says president Hudgins, "we always bring them to see this freak—a black bank president. And I talk to them a little bit. They may start out giggling, but it grabs them. And when they leave, I have the grandest feeling. I just know I must have reached at least one of those kids."

But there is a long way to go. The victories are rare, and for some they will come too late.

They will come too late for Lou Beatty, who has endured 25 years of defeat in trying to break into the contracting business in Detroit. Beatty discovered that his bid had to be almost subterranean to win contracts. He learned that credit, for a black man, was somehow different, and that he had to pay sky-high fees for completion bonds. But Beatty dreamed the big dream and tried to build a motel, only to find that the banks wouldn't finance furnishings. It has stood, an empty shell, ever since 1961, and Beatty is once more a small-time subcontractor.

What made him think he could make it? Last week Beatty stared through his office window at the empty motel across the street. When he spoke, it was through sobs. "I believed what my teachers had told me," he said, "that the most qualified person would get the job. I couldn't get it through my thick skull that it didn't mean Negro. I tried, harder and harder . . . until today. The truth is you don't make it if you're a Negro. This is what the Negro lives. It's just too much to ask of a man."

STEPS TO STRENGTHEN CONFIDENCE IN THE DOLLAR

Mr. JAVITS. Mr. President, I wish to address the Senate today on a critically important matter which is the corollary to the action of the United States in seeking to deal with inflationary forces in the country. I shall deal today with the problem of the international monetary system, as affected by gold.

Inasmuch as this is a critically important question affecting the securities markets, the financial markets, and major monetary and fiscal elements of policy in our Government and other governments, I wish to make it very clear that I do not speak for the U.S. Government. We all understand that under our constitutional system. However, I wish everyone in the world to understand that I have no inside information that the Government is going to proceed along this line. On the contrary, my information is that the Treasury Department does not agree with me in many of the matters which I recommend. I am making the speech because it is important that in the public domain these questions be discussed realistically, with the hope that constructive action may ensue. Otherwise we stand in a very grave economic danger in this country of losing materially the remainder of our gold stock and materially jeopardizing faith and confidence in the American dollar and the ability of the dollar to stand as the standard international unit of currency in the world.

Mr. President, I hope very much that our Government and other governments will give very serious attention to these ideas, and I also hope that the banking community and the financial community of the world will likewise do so, and that from this debate, as some of the things I am recommending are very controversial, may arise a better policy than the policy which seems to be leading to some kind of financial or economic Armageddon in this world, which would be man-made. There is no excuse for not speaking when one has ideas to put forth. That is my understanding why we are Senators and these are uniquely the kind of proposals Senators can make.

Within the next few days the Senate will take up for consideration a bill to repeal the 25-percent gold reserve requirement that would free our remaining $11 billion gold stock for the defense of the dollar. It is essential that this action—which I favor—be really effective. It is a major step by the Congress to deal with the mounting crisis of confidence in the management of the dollar and the U.S. economy.

The deficit in our balance of payments and the uninterrupted outflow of gold have been primarily caused by the administration's failure to deal adequately with inflation at home which followed rising levels of expenditures for Vietnam and mounting budget deficits. Its failure to limit the balance-of-payments effects of the Government's overseas programs, especially expenditures connected with the Vietnam war and with our military commitments around the world, has worsened the situation. Its failure to prepare in time for the aftermath of the devaluation of the pound sterling has worsened it further.

In my judgment, this administration has to date refused to deal with the causes of our balance-of-payments deficit and gold outflows. Instead, through a steady proliferation of controls—from the interest equalization tax to the foreign investment, loan and travel curtailment program announced on January 1—it has dealt only with its symptoms.

Unless effective action is taken and soon to deal with mounting inflation at home, the new balance-of-payments program announced January 1 last and the removal of the gold cover for our currency will fail—as did previous programs—and our gold will continue to flow out—including serious depletion of the gold made newly available—with the most serious consequences for the dollar and the international monetary system.

The response of the administration to the progressive deterioration in the international monetary situation and weakening in the position of the dollar has been singularly free of both realism and imagination. The response has been unrealistic in that it has assumed that statements and points of view and policies that may have had some constructive effects a decade ago are still effective. It is lacking imagination in that it has proposed no change in practice or policy that holds out promise of curing a very difficult situation.

If we want to make progress toward restoring world confidence in the dollar and bringing our balance-of-payments deficit under better control, I suggest that the following matters need to be cared for:

First. Inflation at home must be brought under control through appropriate monetary and fiscal policy.

I labor under no illusions as to the feasibility of achieving a lower level of spending than the President wants or to levy additional taxes which are anathema to the Congress. Again, the principle of priorities is involved. If the President gives high priority to the defense of the dollar internationally, he will find it necessary to accept some reduction in aggregate spending below the amounts shown in the recent budget message. And if Congress is equally convinced of the need to support the dollar, it will find it necessary to accept an increase in taxes. The plain fact of the matter is that if the President and all the Members of the Congress each insist upon a package which will fully meet individual preferences, there will be no effective action on the fiscal front this year. Since I believe that such action is imperative, I am willing to support a program which I dislike in part because of the stern reality and necessity of taking action. I hope that the need for action receives bipartisan support. The defense of the dollar is too important to be decided on partisan grounds.

In that connection, I point out that the Federal Reserve has already shown restraint respecting their credit policy and I thoroughly support it.

We have got to make the hard decision on overall expenditures and an increase in the tax take which, in my judgment, will include a surtax, although I differ with the administration on how it should be apportioned as between individuals and corporations. In my judgment, it should also include some effort to bring money into the Treasury through closing tax loopholes. The No. 1 item, of course, is the 27½-percent oil depletion allowance, although there are others.

Second. The gold reserve requirement should be repealed.

On December 14, 1967, I introduced a bill which would repeal the 25-percent gold reserve requirement against outstanding Federal Reserve notes. In his Economic Report this January the President urged Congress to take this step. Both the Senate and House Banking and Currency Committees approved the President's request and the House passed it last week by a vote of 199 to 190.

The requirement is a holdover from the days when gold coin circulated in the United States; it is no longer realistic to maintain these requirements from the domestic point of view. Its repeal would have no significant effect on the future course of Federal Reserve credit policy, the interchangeability of currencies or the future purchasing power of the dollar. The repeal, or reduction, of the reserve requirement will be required, in any event, in order to meet the needs of a growing economy for paper money. From the point of view of the domestic

economy, therefore, the repeal of the gold reserve requirement is both necessary and appropriate.

The repeal of the gold reserve requirement does not, of course, by itself do anything to improve our balance of payments or restore international confidence in the dollar. That, as I stated earlier, depends on our willingness to reduce inflationary pressures at home resulting from rising expenditures for the war in Vietnam.

Third. In our balance-of-payments program much greater emphasis must be placed on greater savings in the Federal Government's foreign military and economic programs.

Of the $3 billion plus target in the new balance-of-payments program, only $500 million is represented by projected savings in the Government sector, which has been regularly showing large payments deficits. At the same time, the private sector of the balance of payments, which consistently shows large payments surpluses, is being called upon to come up with a savings of $2.5 billion or more. This lopsided emphasis upon savings in the private sector has adverse implications of a serious nature for the future of the balance of payments—for example, it will certainly, over a time, impair the growth in income from direct investment which has been one of the few bright spots in the recent balance-of-payments experience of the United States.

Cutting the payments cost of the Government programs will not be easy, particularly as long as the international military involvement of the United States remains what it is. The recent fiscal record shows the unfortunate consequences of basing decisions on an early end to hostilities.

The Vietnam war does not have significant support among our major allies and cannot be used as an effective argument to induce them to provide increasing support for the American dollar. Rather, the planning of the balance of payments should reflect the possibility that operations in Southeast Asia may continue for a protracted period and may involve higher payments costs. This underlines the necessity for taking even more vigorous action with reference to other aspects of the Government's activities abroad.

Many avenues and alternatives need to be explored. How many military establishments are being maintained which are no longer useful or necessary because of the change in the techniques of warfare over the past 20 years? Why should countries which are capable of covering the balance-of-payments cost of the American military establishment located in their area not be given a clear-cut choice of covering the payments cost or seeing the American military establishment cut back? Is it necessary to send dependents of military personnel to Europe, while other American troops are suffering serious casualties in Vietnam? These are some of the tough questions that need tough answers.

The economic assistance programs likewise require very critical examination. How effective are the provisions for tied aid and how much leakage is involved? What portion of the funds provided to the Government in Vietnam return to the United States, and what happens to the balance? To what extent have commercial markets for American products been impaired by virtue of the economic aid programs? Are other countries putting up their fair share of funds being expended on international economic programs? What about the observations in a recent report of the Comptroller General of the United States to the effect that Government activities were not being administered with due regard to conserving dollars?

These are only a few examples of the types of questions that need to be asked—if Government programs are in fact to achieve even the limited $500 million target objective for 1968.

Fourth. The Administration must give adequate support to two facets of the earlier balance-of-payments programs which have languished and largely failed because of lack of support, namely the encouragement of exports and the promotion of travel by foreigners to the United States. In neither instance have the efforts been given the priority and financial support which they must have in order to yield substantial and meaningful results. There is some hope that this situation may be corrected now, but the programs cannot be expected to yield major results in the immediate future unless they are immediately acted upon and are adequately funded. The recommendations of the President's Special Industry-Government Task Force on Travel is an important case in point.

We cannot procrastinate or delay in taking major measures on the assumption that the dollar is the strongest currency in the world and is not subject to serious pressure because the U.S. industrial complex is the largest and most powerful in the world. Despite the size and strength of American industry, our trade surplus—including that portion which is Government financed—declined from $6.7 billion in 1964 to $3.6 billion in 1967. If we look at our commercial trade surplus only, it dropped from $3.9 billion to close to zero in 1967. Although exports showed an increase, this was dwarfed by a very large rise in imports reflected in the rising level of business activity, industrial production, personal income and prices in the United States.

The power and strength of American industry obviously provides the most important underpinning for the dollar. But this underpinning will be inadequate unless we are, as a nation, willing to adopt more realistic and less inflationary fiscal and monetary policy.

If the payments deficits continue at the rate reached in the last quarter of 1967, the results are quite clear: we shall continue to pour out surplus dollars; part of these dollars will find their way into foreign central banks, and some of these dollars will be presented for conversion into gold; the U.S. gold stock will continue to decline; the international liquidity position of the United States will continue to worsen; monetary disturbances around the world will trigger further waves of gold buying which will further deplete the American gold stock. At some point the United States will either have no more gold with which to buy dollars presented by foreign central banks, or will decide that the remaining gold stock will have to be husbanded as a strategic reserve. At that point, the present international monetary system will fall into a state of complete chaos, unless we have, in the meantime, constructed a new monetary system to take the place of our present one.

I am not an alarmist. I am not suggesting that this sequence of events is likely to culminate in an ultimate international monetary crisis in a few months, or even in a few years. But each billion dollar loss of gold weakens the position of the dollar by reducing the wherewithal with which the dollar can be defended in the foreign exchange markets.

Even if we increase the effort devoted to getting the American payments position under control, the results may not be forthcoming in the quarters immediately ahead. What is important is to make an effort that has more chance of success than the present program.

High Treasury and Federal Reserve officials in their argument supporting repeal of the gold reserve requirement have stated in recent public hearings that the entire gold stock of the United States is available to support the dollar, that is, they propose, apparently, to continue to maintain the convertibility of the dollar into gold by paying out gold even if the American gold stock is eventually exhausted.

It is unthinkable that responsible American financial officials should contemplate such a course of action or that sophisticated observers, either here or abroad, would believe that the American gold stock would, in practice, be reduced to zero. Considerations of national defense alone make it imperative that some strategic reserve of gold be maintained against the awful and gruesome possibility that the United States may once again get involved in a major conflagration. Beyond this, it is quite impossible to see how the United States would fare in the international monetary system of the future, regardless of how it may be changed, if no stock of the only generally acceptable international settlements medium—gold—were available to support the dollar in the foreign exchange markets. The only conditions under which the United States could operate without any reserve of gold would be a freely fluctuating system of exchange rates or under a world central bank system. Fluctuating exchange rates are ruled out under the Articles of Agreement of the IMF and by our monetary authorities. A world central bank system—even though I believe it is desirable—is not in the cards in the near future.

II

These are the considerations which prompt me to make some comments and suggestions with respect to gold.

One of the crucial problems is that world gold stocks are being depleted, and will continue to be depleted, as long as the gold pool countries continue to feed gold into the London market in order to keep the price from rising materially above $35 per ounce. The United States carries at least 59 percent of the drain.

There is the ever-present risk that the European members of the gold pool will decide that they will not continue to lose gold to speculators and to others in order to keep the market price at $35 per ounce. Rumors are rife as to further withdrawals from the gold pool in addition to France.

Various ideas have been discussed as to how to stop the drain on the London gold market, to permit the market price to respond to market forces while keeping the monetary price at $35 per ounce. As long as the United States continues to provide gold at $35 per ounce to monetary authorities in exchange for dollars, a two-price or multiple-price system is not likely to be feasible. The temptation would always be present for some central banks to sell gold in the London market at a price above the monetary price, and to replenish their gold stocks by presenting dollars to the U.S. Treasury for conversion into gold. It would probably be asking too much to expect that all 107 members of the International Monetary Fund would be willing to forego the opportunity to realize a profit without assuming any risk.

To meet these situations I suggest the following course of action: First, the United States and the other gold pool countries should stop supporting the London gold market and let the price there fluctuate in response to market forces. This can be done without action by the Congress.

Under the Gold Reserve Act of 1934 the President can sell gold on a discretionary basis. Similarly, he has authority to refuse to buy gold, or to buy gold only in the amounts and from sellers determined by the U.S. Government.

If my suggestion were adopted, the price of gold might go to a premium above the established monetary price of $35 per ounce, or conceivably, it might decline. There is little basis for estimating the range within which the free market price of gold would fluctuate in the London market; the only way to find out is to stop "feeding" that market. This move would end the loss of gold on the part of the important industrial countries.

A higher market price would, over time, provide an incentive for additional gold production.

That is one of the primary deficiencies—there is no net inflow to the world's monetary stocks from current gold production.

Also, it would increase the risk assumed by speculators in their gold operations, since the margin between the market price and the official monetary price would probably be substantial.

Second, and this is a very controversial recommendation, the United States should move to stop the practice of providing gold at $35 per ounce in exchange for dollars presented by official holders.

I wish to emphasize that in this matter I do not make a recommendation for a permanent change in U.S. policy, but I do recommend that at this time, and for the purposes of straightening out, as it were, the world's monetary system, we terminate the automatic convertibility of dollars into gold at $35 an ounce, and that we immediately enter into negotiations with all major holders of dollars in the world which would permit the United States to work out with them what gold they need in return for dollars—some limited convertibility in that regard—and in return for their agreeing not to unduly raid U.S. gold stocks.

Under the articles of agreement of the International Monetary Fund, a member country agrees to maintain, within its territory, the quotations of foreign currencies within a prescribed margin above and below parity; in the case of spot exchange, the margin is 1 percent. The articles also provide that a country which freely buys and sells gold is to be considered to be complying with this requirement.

Except for the United States, there is no nation of consequence that freely buys and sells gold. All the other member countries fulfill their responsibilities under the IMF articles by operating in the foreign exchange market. The United States could adopt this almost universal practice by informing the IMF of its decision; no legislation would be required. This action should, of course, be taken simultaneously with the termination of activities by the London gold pool.

The termination of automatic convertibility of dollars into gold at $35 per ounce would prevent a continuing decline in the U.S. monetary gold stock. The longer the action is delayed, and such action is probably inevitable in any event, the smaller will be the gold stock to be conserved. Suspension of automatic convertibility of dollars into gold would permit the United States to husband its gold reserves and to use the limited reserves more efficiently and to negotiate agreements with as many as possible of the major dollar-holding countries under which the monetary authorities of the participating countries would agree to make gold available only to other members of the group. The United States, of course, would convert gold into dollars whenever necessary in its own discretion to support foreign exchange value of the dollar. Local demands for gold could be met by purchases, at the market price, in the London or other gold markets.

I emphasize that this would be a way to stop the bleeding of the United States with respect to gold and to regularize the transactions on the basis of the existing situation. The United States would move from that very promptly to negotiations with other major dollar-holding countries, and I am hopeful that that situation would be a bridge to the time when the special recommendations made by the IMF regarding "special drawing rights" would be made available, which we expect, in 1969. That would be phase 2. The ultimate would be a reform of the international monetary system so as to free us from the very strong dependence on gold which we have today.

No change need be made in the gold content of the dollar which would require action by Congress. Suspension of dollar-gold convertibility would, inevitably, have to precede any discussion of a change in the monetary price of gold.

The maintenance of the present gold content of the dollar would avoid any inflationary impact that would arise out of an increase in the monetary price of gold.

Refusal to change the gold content of the dollar and the possibility that its market price will rise above the price at which Government and central banks will be willing to buy gold may admittedly result in a situation in which new gold production will be channeled into nonmonetary uses and in which the monetary authorities are not likely to add to their stocks out of new production. Several comments are in order. The first is that this situation, unfavorable as it might be, is still to be preferred to the present arrangements under which the monetary authorities lose gold by "feeding" the London gold market. The second observation is that it might be possible, by negotiation with the major gold-producing countries, to arrange to have a portion of the new production channeled to the monetary authorities.

Under such a policy the United States would export gold only at its own discretion, with the result that gold exports, in and of themselves, would no longer indicate a gold crisis. Nor could such gold exports be interpreted as indicating a scarcity of gold—which inevitably results in an increase in gold hoarding and upward pressure on the market price of gold. The United States would be free to use its gold in an orderly manner.

I was asked the question, and I would like to inject the answer, as to how we would get the foreign exchange which is required to sustain the value of the dollar in the absence of automatic convertibility of dollars into gold.

In the first place, selling gold whenever we could.

Second, by the United States' borrowing power, in the IMF which is close to $5 billion.

Third, by the approximately $2.5 billion of foreign currencies which we have gotten as a result of swap deals.

Fourth, by more swap deals—which I recognize are loans—which would give us many more millions of dollars.

Fifth, through exporters. By collecting the foreign exchange they accumulate and making it available to the United States and otherwise.

Announcement of a gold policy such as I propose, should be accompanied by a statement making it clear that: First, exchange rates for the dollar with respect to other leading currencies will not be affected; second, large resources are available to maintain the dollar exchange rate, and that gold will be exported whenever such action is deemed to be desirable or necessary; third, convertibility of dollars into other currencies will continue without restriction; and fourth, private commercial exchange operations will be unaffected.

Furthermore, if the United States might not buy gold except in selected cases, and at a price that might be less than $35 per ounce, it would tend to restrain a speculative rise in the price of gold.

Certainly, the worst of all worlds is to continue the present arrangement under which the gold stocks of the major financial powers are being depleted and transferred into the hands of speculators and hoarders.

That is possible because we have an absolute guarantee to everybody that if the dollars come through the central banks, we will automatically redeem them in gold.

Obviously, these suggestions for changes in current practices in the world's monetary system have some disadvantages. The facts are, however, that the United States will have to make a choice among some unhappy alternatives.

I believe I have suggested the means for putting the United States on a road which is the least unhappy of these alternatives.

A world central bank may well be the right alternative; this may come and the United States should press for it but it cannot be assumed now. For some years yet, gold may well maintain its position as a universally accepted settlements medium among central banks and a preferred savings medium in many parts of the world. Therefore "cutting the link with gold" and embarking upon a system of floating exchange rates while it may be desirable cannot be assumed. Such arrangements are not acceptable to the monetary authorities of the industrial world, including those of the United States at this time.

This being the outlook, there is no real alternative to increasing our efforts to restore world confidence in the dollar and conserving gold—the ultimate monetary reserve of the industrial world.

If the United States really puts its payments house in order and if the major financial powers conserve their gold reserves, then, as I say, the last step would be a reformed international monetary system. There is good reason to expect that the present system can continue until the special drawing rights, now under discussion in the IMF, are approved and come into being. The SDR arrangement is designed to cope with the problem of a possible future shortage of aggregate international monetary reserves. The SDR will not be of any assistance to countries, including the United States, in coping with their individual balance-of-payments problems—and this is recognized by Treasury officials. However, to me and many others the SDR's signify the recognition by the major industrial nations that the creation of international reserves should be the result of deliberate action by an international body, the IMF, and not be left to chance.

Finally, Mr. President, I believe the United States should bring the question of the future of gold as an international monetary reserve formally and urgently before the Executive Directors of the International Monetary Fund so that recommendations could be developed to insure that in the years to come gold contributes to the proper functioning of the international monetary system.

Therefore, Mr. President, I send to the desk an amendment for printing, which I intend to propose to the gold cover bill reported by the Committee on Banking and Currency, which would accomplish this end. I ask unanimous consent that the text of my amendment be printed in the RECORD

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JAVITS' amendment is as follows:

At the end of the bill insert a new section as follows:

"SEC. 14. (a) The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to propose to the Executive Directors of the International Monetary Fund that they develop recommendations with respect to the future role of gold as an international monetary reserve and steps to be instituted to insure that gold contributes to the proper functioning of the international monetary system.

"(b) The Secretary of the Treasury shall report to the appropriate committees of Congress within one year after the enactment of this Act on the progress of the discussions pursuant to subsection (a)."

Mr. JAVITS. Mr. President, the crucial problem remains—to restore and maintain world confidence in the dollar and to achieve a more sustainable balance-of-payments position without the use of restrictions which will promote retaliation and lead down the road to a proliferation of controls on trade, on capital investment and on the freedom of use of currencies.

I end as I began: we must give the dollar confidence problem much more priority than it is receiving currently. Selective balance-of-payments measures are, at best, stopgap measures. We must be willing to adopt sensible fiscal and credit policies.

We cannot be tied to old shibboleths, or the international position of the dollar will deteriorate further. Neither we nor the world can tolerate that, nor is it necessary.

I yield the floor.

Mr. PERCY. Mr. President, I have read with great interest the speech just made by the distinguished senior Senator from New York [Mr. JAVITS]. The speech stands as an indication why the senior Senator from New York enjoys the well-deserved reputation of being an outstanding authority on the subject of our fiscal and monetary policy. He has given us excellent food for thought in his very clear analysis of the gold problem, as he sees it, and I certainly join others in commending him for the contribution he has just made to the dialog on our Nation's balance of payments and gold outflow problems.

The Senator from New York calls attention to the failure of the administration to support two ongoing programs addressed to the balance-of-payments program—the encouragement of exports and the encouragement of travelers to the United States. In using the word "procrastinate" in this context, I presume the gentleman is referring to the delay in appointing the Industry-Government Advisory Commission.

I noted in the President's economic message of last year—not the one we are presently reviewing in the Joint Economic Committee, but the message delivered in January 1967—the following statement of policy of the U.S. Government:

The most satisfactory way to arrest the increasing gap between American travel abroad and foreign travel here is not to limit the former but to stimulate and encourage the latter.

That is a good statement, and one with which I agree completely. Let me read on:

I shall appoint in the near future a special industry-Government task force to make recommendations by May 1, 1967 on how the Federal Government can best stimulate foreign travel to the United States.

Now I find it very discouraging that the price the President is asking U.S. citizens to pay in terms of restrictions on travel abroad appears to be in part his own delay in applying our basic resources to the task of encouraging foreign travel here. I again commend the leadership of the senior Senator from New York in his sponsorship of a measure to assist in encouraging foreign travel, and I am hopeful that the measure, which I am proud to cosponsor, will receive the very serious consideration of the Congress and the present administration.

Mr. President, the U.S. Council of the International Chamber of Commerce has recently addressed itself to the administration's balance-of-payments program in a responsible and far-seeing statement of policy. The council represents a wealth of practical experience in the field of foreign trade and has over the years identified itself with enlargement and progressive policies of the United States as our Nation has become a world leader in liberalizing trade. Because of the importance of the issue, and because the statement of the council represents a point of view that has been to some extent delayed in coming to the fore, I ask unanimous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NATIONAL POLICY FOR A SOUND DOLLAR

(Statement by the U.S. Council of the International Chamber of Commerce, February 7, 1968)

The U.S. Council of the International Chamber of Commerce is concerned that the dollar, the key currency in the international monetary system and backed by the world's most powerful economy, is being questioned by some as a monetary reserve asset. Continuing balance of payments deficits by the U.S. have created many of the problems for the dollar and for the international monetary system. The United States Government, beginning in 1963 with the Interest Equalization Tax and followed in 1965 by voluntary programs limiting American loans and investments abroad, has relied principally upon selective controls in its efforts to bring the payments deficit into balance. Not surprisingly, in spite of these programs the deficit increased sharply during the first three quarters of 1967. And then in the final quarter the devaluation of sterling and the ensuing upsurge of private gold buying in Europe, along with further deterioration in the trade balance, led to an unusually large U.S. deficit and gold outflow. In these circumstances, on January 1, 1968, the President announced a new program intended to reduce the deficit.

For this reason the U.S. Council places itself on record in support of fiscal and monetary policies which it feels will meet the basic situation.

The nation's balance of payments problems have their roots in our domestic and inter-

national policies. The excessive stimulation of the domestic economy from the fiscal and monetary actions and inaction of the past two or three years has caused serious deterioration in our current account surplus, while the war in Viet Nam has vastly expanded budgetary expenditures overall and has sharply increased outflows abroad on government account.

This statement first outlines certain objections to the new mandatory program of restraints on direct capital outflows, and then presents recommendations for policies necessary to bring about the proper correction to the payments deficit. In doing so, the Council takes as its basic position that the American post-war policy aimed at fostering the greatest degree of freedom of trade and investment is sound and should be pursued further. This means that measures taken to restore equilibrium in U.S. international payments must avoid restraints on trade and capital movements. An acceptable payments position arrived at through restrictive controls not only cannot correct the basic economic factors but also bring about its temporary results by dangerously reversing the post-war movement toward freedom of trade and investment. It is therefore to these basic factors that policy must be aimed and not just at the balance of payments accounts themselves.

Turning first to the new mandatory program, the U.S. Council wishes to make the following points:

1. Limitations on U.S. direct investment abroad threaten a major source of income contributing to the payments surplus brought in by the private sector. They also threaten the loss of U.S. exports closely associated with such foreign investment. If such restraints are long maintained, the permanent loss of income will reduce, not expand, the range of open choices for foreign policy.

2. Investing companies, like banks, should have the right to establish performance targets with the government and then be free to select the means of achieving these. This would avoid the much less effective method now proposed of having a government agency pass upon the merits of individual investment projects.

3. It should be recognized that physical investment in developed countries is often essential to match up with other investments in developing countries which constitute the raw material source of supply. Such interlocked investments have produced considerable income for the U.S.

4. Denying American businessmen the right to invest in developed countries will not necessarily induce them to move more funds to less developed areas. Private investment in developing countries is limited by the conditions prevailing there. Beyond this, uncertainties about the future availability of capital will inhibit, if not arrest, the whole vital process of long-term investment planning and related technical development.

5. The new program of restraint or corporate investments is inevitably arbitrary and inequitable, penalizing particularly many companies that at some sacrifice did well for the nation under the voluntary program. During the base period chosen individual company situations varied widely and the rules should recognize this. In addition, the base-year-percentage rule excludes new companies, including those with actual plans for operations. Similarly, relative positions of presently operating companies tend to be arbitrarily frozen.

6. There is no prospect that the new program will itself correct the imbalance in our external accounts and thereby become unnecessary in the reasonably near future. The program is not directed toward the root cause of the deficits.

7. The U.S. through this program has set an example to those here and abroad who would reverse our post-war progress toward a freer world economy and revert to the trade restraints and exchange controls of the past.

The U.S. payments problem concerns the entire nation, not just those engaged in international trade and investment. The proper mix of fiscal and monetary restraints on the U.S. economy as a whole is required to correct the excessively large payments deficits. Seeking a solution only by restraining outflows of credit and capital is self-defeating. True, in the short run, it may appear that investors have only to obtain financing in foreign capital markets to make up for their inability to send funds out from the U.S. Much more serious, however, for the long term is that maintenance of restraints leading to a decline in American physical investment abroad would seriously damage our future balance of payments. Free international capital markets are necessary counterparts to free movement of goods and services, and just as vital to increasing prosperity for all nations. The patient search by the U.S. for improved world trade and investment will have been to no avail if it is not accompanied now by responsible fiscal and monetary policies.

There are no painless solutions. To mitigate the impact on our external accounts of government policies and of our own price inflation and income growth the following actions should be taken promptly:

1. To control the budgetary deficit, government expenditures on goods and services should be cut far more substantially than has been proposed thus far, both on non-defense and on non-Viet Nam defense items. A stricter system of priorities is necessary if we are to limit our expenditures at home and abroad to a total consistent with our resources and if, simultaneously, we are to assure that the more important projects be taken up.

2. The Congress should enact a tax surcharge and should explore ways in which our tax system might be altered so as to strengthen our export potential.

3. The Federal Reserve System should adjust monetary policies so as to impose a greater degree of credit restraint upon the domestic economy and so as to prevent enlarged outflow of short-term funds to foreign money markets.

4. To limit dollar outflow, government expenditures abroad should be subjected to the most careful review and pruning. In carrying out the recently announced plan to reduce personnel at our overseas missions, efforts should be made to eliminate peripheral activities not essential to the conduct of U.S. foreign policy. Although recent steps have been taken to reduce somewhat defense expenditures abroad, especially in Europe, substantially greater reductions are both necessary and possible given the will to do so.

This program of action should be begun now. It will in time bring our balance of payments into equilibrium. Pending the full effect of these measures, short run improvement is temporarily possible in the contribution that banks and American investors abroad make to the balance of payments through adherence to voluntary guidelines. Under the President's new program, guidelines on bank lending abroad have been further tightened and direct investors have been placed under a mandatory program which includes the threat of penal sanctions although these are uncalled for to secure cooperation from American business. It is important that companies again be allowed to make their own investment decisions within an overall program agreed to by the government and subject to periodic reporting to insure compliance. Failure to recognize differences in organization and economics among companies and industries will directly harm their performance in balance of payments terms. Furthermore, since the objective should be to correct the U.S. payments situation so as to remove any need for special restraints on capital movements, including eventually the elimination of the Interest Equalization Tax, the controls should not force structural changes in American business abroad which would result in long term damage. It is important also to recognize the legitimate responsibilities that American businesses abroad have to their local communities and governments and which they must respect in their conduct.

The United States must bring its external accounts into better balance. Too many dollars have been flowing abroad, undermining confidence in the dollar and in the international monetary system of which the dollar is the key currency. Restraints on the domestic economy, as proposed in this statement, share the burden equitably throughout the nation toward the end that they will be eventually removed. These measures could be negated if other countries retaliated by themselves deflating simply to maintain their payments surplus. But there has been heartening evidence in recent weeks of a willingness among the principal countries abroad to cooperate by maintaining expansionary policies as the U.S. corrects its problem. The U.S. should grasp this opportunity to adopt the responsible policies that are demanded to keep the dollar and the international monetary system at full strength.

SENATE JOINT RESOLUTION 148—INTRODUCTION OF JOINT RESOLUTION TO CREATE A FEDERAL COMMITTEE ON NUCLEAR DEVELOPMENTS

Mr. MORTON. Mr. President, I have some serious questions to pose to Members of this Congress, and they suggest that we may have been critically amiss in failing to consider and act on a matter which could have the gravest implications to future generations of Americans.

I do not say that this is so, but I most strongly urge that we must find out if it may be or not. I refer to the tremendous expansion of peaceful uses of nuclear energy—particularly to fuel electric powerplants—which is taking place, and all the unknown factors of safety which are involved.

I have followed with sincere interest and concern the speeches and statements made on the subject in recent months by Mr. W. A. Boyle, president of the United Mine Workers of America. I have also noted the responses which his statements have drawn from my respected colleagues, especially the senior Senator from Rhode Island, who sits on the Joint Committee on Atomic Energy.

In several speeches, and in articles in the United Mine Workers Journal, Mr. Boyle has cited the potential dangers of a malfunction of a nuclear plant, with consequent release of radioactive particles in the atmosphere, and of the centuries-long threat of escape of radioactively poisonous nuclear wastes which must be stored in perpetuity, and in amounts in the millions and millions of gallons, as a result of nuclear plant operations. As a matter of interest the estimated amount of nuclear radioactive waste produced annually by 1995 is now expected to be 2 billion gallons a year, according to an official of the U.S. Public Health Service, who pointed out that this is more than 1,300 times the total

amount of such wastes as we have already had to store—and this incredible amount will be produced every year.

We who should be most concerned—the leaders of government—have tended to ignore these warnings, and his critics have attempted to belittle them on the grounds that Mr. Boyle is simply seeking to impede progress of nuclear powerplants development because it threatens employment in the coal mines for members of his union.

Mr. President, I do not believe this is so. I have known Mr. Boyle for many years, and have come to respect him as a gentleman of very high integrity and moral fiber. Mr. Boyle also heads an outstanding and unique labor union, one which has probably done more to promote the well-being of the industry which employs its members—and, as a corollary, the national interest insofar as energy fuel is concerned—than any other in the world. It has long maintained a marketing research division which "sells" coal in a manner which the bright boys on Madison Avenue might envy. And it sits at the council table as equal partners in promoting coal's rightful place in the fuels economy with management of the producing companies, the railroads and other industries equally concerned. In fact, Mr. Boyle this year is chairman of the National Coal Policy Conference, Inc. made up of these diverse, yet united, groups. His predecessor, Mr. John L. Lewis, held a similar position a few years ago.

Certainly, Mr. Boyle will take a back seat to no one in his zeal to foster the economic health and growth of the coal industry, and I am sure that he first began to investigate the question of nuclear power and its implications to American welfare because of his interest in it as an energy source competing with coal.

But I am also certain that some of the things he learned in this investigation have convinced him that there is much more at stake for the American people and their descendents than fuel market competition today or in the next few years. And I wonder if far more people, perhaps most Americans, would not have the same reaction if they had the same incentive to really delve into these matters and learn some of the facts that Mr. Boyle has had.

I submit, Mr. President, that it is the duty and responsibility of the Congress to determine how much of this concern is justified. We are responsible for the present program to develop the peaceful uses of the atom, in fact, we specifically instructed the Atomic Energy Commission when it was first established by Congress in the Atomic Energy Act of 1945 to "promote" and encourage the development of atomic energy.

Psychologists and social scientists have had a good deal to say about that in succeeding years, suggesting that the scientists who were responsible for development of the first atomic bomb, and the American people who unknowingly supported them, needed to assuage their feelings of guilt over its fearsome destruction of Hiroshima and Nagasaki and, thus, encouraged a crash program to quickly make atomic fission an important contributor to the peacetime energy needs of the world's people. Be that as it may, Congress accepted the proposal and established the Atomic Energy Commission and specifically charged it with the responsibility of promoting the peaceful use of nuclear fission. Over the lifetime of the agency, we have voted it an incredible amount of money to carry out this objective which we gave it. I suppose no one really knows how much of these astronomical sums have been spent in development of nuclear electric powerplant capability, because the money spent for technology research in other nuclear fields, such as ship propulsion, has also contributed to the development of civilian atomic power. At least, however, we can account for over $2½ billion spent to make nuclear reactors efficient and able to compete economically with coal plants and other conventional systems of power generation. And the startling fact is that we authorized the expenditure of this extraordinary amount of public money when any fuel economist could have told us that we would not really need this new source of electric power for perhaps the next 50 to 100 years, or longer, when some of our supplies of fossil fuels may begin to run short. We did it without even the slightest qualms that we might be unleashing on the American continent a Pandora's box of poison which may someday prove to be an irrevocable force which could wipe mankind from the face of the earth.

Please note carefully that in the previous sentence I stressed the words might and may. I am not predicting such a dire fate. Indeed, I am no scientist and am not qualified either as a physicist, chemist, or medical expert to make such judgments. However, the warnings which are now becoming more and more prevalent from those who are so qualified demand that we in the Congress take heed, and most carefully review the whole nuclear power program in the context both of our immediate and forthcoming power needs, with primary consideration for the safety of present and future generations of Americans balanced against them.

I think it is important that we realize that the context in which we should view atomic power today is quite different from the situation which existed when control of the development of atomic energy was first turned over to a civilian agency shortly after World War II. For one thing, we, as a people, had been oversold on the potentialities of obtaining useful energy from atomic fission. You will recall the oft repeated statement in those days that electrical power from atomic reactors would be so cheap that it would not even be worthwhile to meter it. We felt that, in the words of Gen. Leslie Groves when he turned over nuclear responsibility for the Manhattan Project to the Atomic Energy Commission:

> You of the Army's Manhattan Project . . . have raised the curtain on vistas of a new world.

In this mood, and in the belief that this was a fact, the Congress adopted radical and unprecedented measures which resulted in a new technical development becoming, for the first time in our history, a Government monopoly. Its future was entrusted not to normal competitive forces, but to a single Government agency, armed with billions of dollars and the broadest of powers and specifically charged with developing the technology and promoting the widespread use of atomic energy. Today, although the intervening years have witnessed the development of probably the greatest single scientific complex in all history, and the expenditure of budgets running into billions of dollars, we have developed a maturity of Government which should put the future of atomic power in quite a different light. No one questions that the development of the ability to create electrical energy through atomic fission is a tremendous accomplishment, or that someday in the distant future we may be forced to depend on it after our other bountiful sources of electrical energy are exhausted or become too scarce and costly to utilize. But we also know that atomic energy is not the panacea of all our energy problems it was once expected to be, and we are becoming more aware every day of the costs in terms of potential danger to humanity which this proliferating atomic energy program may entail.

I have the greatest respect for the personal integrity and collective expertise of the members of the Joint Committee on Atomic Energy, both those Members from the Senate and those from the other House of Congress. But I believe that even they will agree that theirs has been a peculiar position throughout this period of developing atomic fission as a peaceful energy source. First, they have operated under implicit instructions from the Congress to promote the peaceful use of the atom—regardless of any consideration of the need for nuclear energy, the fate of competing fuels, the effect on the economy, the impact on long-term energy needs or employment and growth of the national energy capacity. When we passed the Atomic Energy Act amendments in 1954, we did not give them or the AEC any choice.

But nuclear energy is now a fact of life, and these questions can no longer be ignored. We, as the whole Congress representing the whole body of Americans, and not just the Joint Committee, the scientists and laymen employed by the Atomic Energy Commission, or those representing utility companies and manufacturers who are deeply involved in the development of atomic plants, must face up to the answers.

In all honesty, I must confess that I have been remiss in keeping myself informed and speaking up on this grave danger in the past. But intrigued by some of Mr. Boyle's spoken and written comments, I have begun to look more deeply into our present energy resources and nuclear power safety situation. I am dismayed at some of the things I have found—warnings and facts from highly qualified people who firmly believe that we have moved too fast and without proper safeguards into an atomic power age.

I shall quote only a few of them here. But even these few quotations are

enough to fully justify my suggestion that the Congress has a compelling responsibility to call for a thorough, impartial assessment of the whole question of civilian nuclear power, the role of the Atomic Energy Commission and the relation of various fuels in the national economy and safety for the foreseeable future.

As early as 1963, Mr. David E. Lilienthal, who was the first Chairman of the Atomic Energy Commission and one of the most enthusiastic original exponents of peaceful atomic power, had become disillusioned and spoke out strongly in a number of speeches and magazine articles, as well as in the now famous book "Change, Hope, and the Bomb," calling for a national reappraisal of the whole atomic energy program, including the perils of radiation which it involved. In an article in McCall's magazine, he stated:

> I am gravely concerned about the potentially catastrophic dangers to human life and public safety from the radiation produced by the splitting of the "peaceful atom" aptly described by Supreme Court Justices William O. Douglas and Hugo Black as "the most deadly, the most dangerous process that man has ever conceived." If present plans to construct atomic electric plants within and near large population centers from coast to coast are permitted to proceed, this process will live among us on a scale never before attempted and pose the threat of contaminating large sections of our cities. I believe that the existing plans are irresponsible, because the safe functioning of these power plants would require the solution of crucial problems that are still unsolved.

This grave warning came 5 years ago, but as yet, the Congress has given it no heed.

The potential hazards of nuclear power production appear to be threefold. One is the actual emanation of radioactive substances into the air and into the water of streams used for cooling the plants, themselves. A second is the tremendously involved, expensive and unending problem of safely handling waste material which remains after the useful life of nuclear fuel has been exhausted. And this includes what to do with the highly radioactive steel, concrete, and other materials left after the 30 or 40 years useful lifetime of a nuclear powerplant is over. I note that the Atomic Energy Commission is asking for funds in the current budget proposals for the "initial dismantling and decontamination costs" of the Piqua, Ohio, reactor, a small powerplant that has now been shut down and will be abandoned. I wonder if the builders of the many times larger commercial plants today are figuring the cost of dismantling and decontamination into their eventual capital investment on which rates will be partially based.

And the third, of course, is the always possible, remote though it may be, accident, or incident, as the AEC prefers to term it, which would result in the sudden release of large quantities of radioactive material into the atmosphere. I do not intend to submit my own judgment as to how serious these possibilities may be. Many persons, far more knowledgeable than I, have joined with Mr. Lilienthal in sounding such warnings. Several years ago, Dr. Donald R. Chadwick, Chief of the Division of Radiological Health of the U.S. Public Health Service, estimated that radioactive wastes from nuclear installations would increase from about 1.5 million gallons in 1965 to 2 billion gallons in 1995, if the growth in the number of atomic plants equaled the prediction of the AEC at that time. Since then, the AEC has greatly expanded its projection of the kilowatt capacity of atomic plants for the next several decades.

It is harrowing to realize that all these poisonous, man-created wastes, although they appear to be valueless, have a radioactive half-life of thousands of years. They must be put into carbon steel tanks resting in steel saucers and the tanks and saucers must be enclosed in reinforced concrete containers which, in turn, must be buried in the ground. Around every such burial ground, wells must be sunk to ground water level so that constant tests may be made to make certain lethal radioactivity is not leaking into water which people will subsequently use and these burial grounds must be guarded and monitored in perpetuity. It also has to be cooled as heat is constantly generated by the radioactivity. Are we really justified in leaving such a heritage to forthcoming generations, when we have other safer means of producing electrical power?

We might ask, as did Dr. Albert Schweitzer, "Who has given them the right to do this? Who is even entitled to give such permission?" The answer, of course, in the United States, is that the permission, indeed the mandate, has been given by the Congress. Whether it is entitled to foster this risk on Americans of the present and the future is the broad question we should now reevaluate.

I do not intend to belabor the Senate with the repetition of more of these warnings. I ask, at this point, unanimous consent to insert in the RECORD at the conclusion of my remarks a portion of the remarks by Dr. E. F. Schumacher in the prestigious Des Voeux Memorial Lecture at Blackpool, England, in 1967.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORTON. I believe Dr. Schumacher's presentation to be one of the most objective pictures of the potential threats from a growing, nuclear-based economy that has yet been projected. He is particularly concerned with the problem of radioactive waste disposal. Himself an economist, Dr. Schumacher deplores the fact that decisions to build conventional powerstations or nuclear powerstations are being made almost solely on economic grounds, while, he says, the fact that "nuclear stations represent an incredible, incomparable, and unique hazard for human life does not enter any calculations and is never mentioned."

Mr. President, these warnings are too serious to ignore. If it is really true that we are endangering the lives and the healthy births of future generations of children by chancing that radioactive contamination of the air and water we must depend on will damage the tissues and distort the genes of living people, we must know it and halt it. If we are fostering a power system which could turn on its creators and spew destroying, although unseen, substances into the atmosphere over hundreds of square miles, we must carefully weigh such a calculated human risk against the economic and social gains involved. And if it is true that by turning to nuclear powered electric generating plants, several centuries, or at least many decades, before we have to, we may destroy the viability and marine life of our streams, lakes and estuaries and will create man-made wastes which man will have to live with, monitor and isolate for thousands of years after we are dead and forgotten, we have a responsibility for reconsideration of our position which is perhaps the greatest that has ever faced the U.S. Congress.

Let me reiterate. I am not a scientist, and I am not qualified to fully evaluate these portentous warnings from highly competent people. But as a responsible layman, and a representative in this body of the people of my state and of the Nation, I am deeply disturbed and concerned by them.

Certainly, the potentialities of unprecedented damage to human life were not recognized by the Congress when it first determined to go ahead on almost a crash basis in developing a civilian nuclear power complex. But we do not have that excuse to justify inaction and failure to reconsider whether we are following the proper and safe course today. I have referred to Dr. Schumacher's Des Voeux Memorial Lecture and I would like to call your attention particularly to a quotation he takes from the book, "Must the Bomb Spread?" by Leonard Beaton, published by Penguin Books in association with the Institute of Strategic Studies, London, in 1966. Pondering why the United States and other nations rushed headlong into a vast program to develop nuclear energy, Mr. Beaton wrote:

> It might be thought, that all the resources of those who fear the spread of nuclear weapons would have been devoted to heading off these developments for as long as possible. The United States, the Soviet Union and Britain might be expected to have spent large sums of money trying to prove that conventional fuels, for example, had been underrated as a source of power . . . In fact . . . the efforts which have followed must stand as one of the most inexplicable political fantasies in history. Only a social psychologist could hope to explain why the possessors of the most terrible weapons in history have sought to spread the necessary industry to produce them . . . Fortunately . . . power reactors are still fairly scarce.

Unfortunately, however, new power reactors are being announced with considerable rapidity, today, and they will not be "fairly scarce," at least in the United States, in a very few years.

What is past is past, and the damage we may already have done to future generations cannot be rescinded, but we cannot shirk the compelling responsibility to determine if the course we are following is one we should be following.

When a responsible, eminent scientist such as Dr. Lamont C. Cole, professor of ecology at Cornell University, can report to a meeting of the American Association for the Advancement of Science, as Dr. Cole did on December 28, that he is "apprehensive of what I know of present

generation of reactors and of those proposed for the future," we lay Members of Congress who have cloaked ourselves with responsibility for encouraging wider and wider proliferation of such reactors must take heed.

Dr. Cole's remarks, if they have any validity at all, should be the most widely reported and editorially discussed subject in the world today and, yet, I have seen very little reference to his grave warnings. He pointed out that present reactor fuel has to be "rejuvenated periodically" and that this reprocessing "yields long-lived and biologically hazardous isotopes such as Strontium 90 and Cesium 137 that should be stored where they cannot contaminate the environment for at least 1,000 years; but a fair proportion of the storage tanks employed so far," he disclosed, "are leaking after only about 20 years."

Dr. Cole goes on to point out:

This process also releases Krypton 85 into the atmosphere to add to the radiation exposure of the earth's biota, including man, and I don't think that anyone knows a practicable way to prevent this. We are glibly offered the prospect of clean bombs and thermonuclear power plants which would not produce these isotopes, but, to the best of my knowledge, no one yet knows how this is to be accomplished. And, if development is successful, these reactors will produce new contaminants, among others, tritium (^3H), which becomes a constituent of water, in this case long-lived radioactive water, which will contaminate all environments and living things. Even in an official publication of the Atomic Energy Commission it is suggested that for certain mining operations it may be better to use fission (i.e. "dirty") devices instead of fusion (i.e. "clean") devices "to avoid ground water contamination or ventilation problem."

We can no longer evade the responsibility for insisting on a thorough reevaluation of the entire nuclear development program by the most highly qualified, objective experts in the world. We can no longer say with Pontius Pilate, "We wash our hands of this responsibility," and leave the future course of nuclear power growth and safety to the Atomic Energy Commission or even to a joint committee composed of a few Members only of this Congress.

Mr. President, I am today introducing a joint resolution calling for a most comprehensive review of the Federal Government's participation in the whole atomic energy electric power program, to be carried out by a select commission of Government officials, qualified scientists and laymen and members of the Congress. In effect, a blue ribbon commission which by its nature must represent all factors of American life—consumers, conservationists, power producers, labor organizations, radiological health and ecology experts, and elected officials.

I want to also make it clear that I believe that members of the Joint Congressional Committee on Atomic Energy must be included in such a study group, because they have the most complete knowledge and understanding of anyone in Congress of the background and growth of the nuclear electric power program under Government sponsorship. I do not believe, however, that such an evaluation committee should be dominated by members of this Joint Committee which has carried out over the past 14 years the mandate of Congress to promote the development of the peaceful uses of atomic energy. I will, of course, leave it up to the leadership of the two Houses to name the congressional members, but I suggest that if, for example, the congressional membership should be eight, at least four of these should be from the Joint Atomic Energy Committee, and have so provided in the resolution. I think it would also be appropriate for the Joint Committee to assign one or more of its professional staff to work with this evaluation group to supply facts and information which it will need.

But I also think this study commission must be authorized to employ such additional staff assistance, including among others qualified scientists and technicians, as it may need to carry out its responsibilities.

Mr. President, my intention has not been to unduly alarm the Members of this body, nor the American people, by these remarks. Neither have my remarks been intended as criticism of members of the Atomic Energy Commission, and their very competent professional staff, or the congressional members of the JCAE, who have done very well what the Congress instructed them to do. However, I do feel deeply and have endeavored to convey this feeling to my colleagues that we have a very grave responsibility to make a thorough reevaluation of the course which we, the whole Congress and the Federal Government, have been following regarding atomic power and its consequent potential dangers for the past 14 years. I sincerely urge that every one of my colleagues, from both sides of the aisle, support the joint resolution which I have introduced to make certain that any problems that exist for this or future generations as a result of our development of atomic power generation be thoroughly understood and carefully weighed against the real need and economic benefits that may result.

I ask unanimous consent, that the joint resolution be appropriately referred, and that its text be printed in the RECORD at this point.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred, and, in accordance with the request of the Senator from Kentucky, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 148) establishing the Federal Committee on Nuclear Development, introduced by Mr. MORTON, was received, read twice by its title, referred to the Joint Committee on Atomic Energy, and ordered to be printed in the RECORD, as follows:

S.J. RES. 148

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. There is hereby established the Federal Committee on Nuclear Development (hereinafter referred to as the "Committee").

MEMBERSHIP AND ORGANIZATION OF THE COMMITTEE

SEC. 2. (a) The Committee shall be composed of a Chairman, who shall be a member of the general public having no ties to or connections with either the atomic energy industry or any competitive industry, and fourteen other members as follows:

(1) Four Members of the House of Representatives, two from each political party, appointed by the Speaker of the House of Representatives, no more than two of whom shall be members of the Joint Committee on Atomic Energy;

(2) Four Members of the Senate, two from each political party, appointed by the President pro tempore of the Senate, no more than two of whom shall be members of the Joint Committee on Atomic Energy;

(3) The Secretary of the Interior;

(4) The Secretary of Commerce;

(5) The Secretary of Labor;

(6) The Secretary of Health, Education, and Welfare; and

(7) Eight members of the general public who are specially qualified to consider and evaluate the technical, economic, and sociological impact of the atomic energy program.

(b) The Chairman, and the members specified by paragraph (7) of subsection (a), shall be appointed by the President by and with the advice and consent of the Senate.

(c) Each member specified in paragraphs (3) through (6) of subsection (a) may designate another officer of his department to serve on the Committee in his stead.

(d) Any vacancy in the Committee shall not affect its powers, but shall be filled in the same manner as the original appointment.

(e) The Committee may issue such rules and regulations as it deems advisable to conduct its activities.

DUTIES OF THE COMMITTEE

SEC. 3. (a) The Committee shall study, review, and evaluate the present provisions of the Atomic Energy Act of 1954 and intensively probe the atomic energy program of the United States generally, with the specific objectives of ascertaining whether the existing civilian nuclear program is responsive to the public need, assessing the validity of the assumptions upon which the existing program is built, and determining what changes should be made in that program. In this connection the Committee shall consider and assess (1) the impact of the subsidized atomic energy industry upon competitive industries not subsidized; (2) the cost of the nuclear program not only in expended human and material resources but also in lost opportunities in nonnuclear fields; (3) methods for effectively integrating atomic energy into the general energy complex of the United States so that reasonable priorities may be determined; and (4) the potential impact of rapid atomic development upon the health and safety of the American public (including the effects of waste disposal, radioactive air and water pollution, the location of plants in urban areas, and possible losses caused by malfunction of nuclear plants).

(b) As soon as possible after the completion of the study and review provided for in subsection (a) the Committee shall submit a report of its findings and recommendations to the President and the Congress, and shall make such report available to the public. Ninety days after the submission of such report, the Committee shall cease to exist.

POWERS OF THE COMMITTEE

SEC. 4. (a) The Committee, or, on the authorization of the Committee, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this Act, hold such hearings and sit and act at such times and places, administer such oaths, and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents as the Committee or such subcommittee or member may deem advisable.

Subpenas may be issued under the signature of the Chairman of the Committee, or such subcommittee, or any duly designated member, and may be served by any person designated by such Chairman or member. The provisions of sections 102 to 104, inclusive, of the Revised Statutes of the United States (2 U.S.C. 192–194, inclusive) shall apply in the case of failure of any witness to comply with a subpena or to testify when summoned under authority of this section.

(b) The Committee is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the executive branch of the Federal Government information, suggestions, estimates, and statistics for the purpose of this Act; and each such department, bureau, agency, board, commission, office establishment, or instrumentality is authorized and directed to furnish such information, suggestions, estimates, and statistics directly to the Committee, upon request made by the Chairman.

COMPENSATION OF MEMBERS

SEC. 5. The members of the Committee specified in paragraphs (1) through (6) of section 2(a) shall serve without additional compensation. The Chairman and the members appointed under paragraphs (7) of section 2(a) shall receive $100 per diem when engaged in the performance of the duties of the Committee. All members of the Committee shall receive reimbursment for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Committee.

STAFF AND FACILITIES

SEC. 6. (a) The Committee shall have power to appoint and fix the compensation of such personnel as may be necessary to carry out its duties without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(b) The Committee may also procure (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service and the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates), temporary and intermittent services to the same extent as is authorized for the executive departments by section 3109 of title 5, United States Code, but at rates not to exceed $50 per diem for individuals.

(c) To the extent of available appropriations, the Committee may obtain, by purchase, rental, donation, or otherwise, such property, facilities, and additional services as may be needed to carry out its duties.

AUTHORIZATION OF APPROPRIATIONS

SEC. 7. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EXHIBIT 1

CLEAN AIR AND FUTURE ENERGY

(Remarks by Dr. E. F. Schumacher at the Annual Conference of the National Society for Clean Air, Field House, Breams Building, London, 1967)

Of all the changes introduced by man into the household of nature, large-scale nuclear fission is undoubtedly the most dangerous and profound. As a result, ionizing radiation has become the most serious agent of pollution of the environment and the greatest threat to man's survival on earth. The attention of the layman, not surprisingly, has been captured by the atom bomb, although there is at least a chance that it may never be used again. The danger to humanity created by the so-called peaceful uses of atomic energy is hardly ever mentioned. There could indeed be no clearer example of the prevailing dictatorship of economics. Whether to build conventional power stations, based on coal or oil, or nuclear stations, is being decided solely on economic grounds, with perhaps a small element of regard for the "social consequences" that might arise from an over-speedy curtailment of the coal industry. But that nuclear stations represent an incredible, incomparable, and unique hazard for human life does not enter any calculation and is never mentioned. People whose business it is to judge hazards, the insurance companies, are not prepared to insure nuclear power stations anywhere in the world for third party risk, with the result that special legislation has had to be passed whereby the State accepts all liabilities.[1] Yet, insured or not, the hazard remains, and such is the thraldom of the religion of economics that the only question that appears to interest either governments or the public is whether "it pays".

It is not as if there were any lack of authoritative voices to warn us. The effects of alpha, beta, and gamma rays on living tissues are perfectly well known: the radiation particles are like bullets tearing into an organism, and the damage they do depends primarily on the dosage and the type of cells they hit.[2] As long ago as 1927, the American biologist, H. J. Muller, published his famous paper on genetic mutations produced by x-ray bombardment,[3] and since the early 'thirties the genetic hazard of exposure to ionizing radiation has been recognized also by non-geneticists.[4] It is clear that here is a hazard with an hitherto unexperienced "dimension", endangering not only those who might be directly affected by this radiation but their offspring as well for all future generations.

A new "dimension" of hazard is given also by the fact that while man now can—and does—create radioactive elements, there is nothing he can do to reduce their radioactivity once he has created them. No chemical reaction, no physical interference, only the passage of time reduces the intensity of radiation once it has been set going. Carbon-14 has a half-life of 5,900 years, which means that it takes nearly six thousand years for its radioactivity to decline to one-half of what it was before. The half-life of strontium-90 is 28 years. But whatever the length of the half-life, some radiation continues almost indefinitely, and there is nothing that can be done about it, except to try and put the radioactive substance into a safe place.

But what is a safe place, let us say, for the enormous amounts of radioactive waste products created by nuclear reactors? No place on earth can be shown to be safe. It was thought at one time that these wastes could safely be dumped into the deepest parts of the oceans, on the assumption that no life could subsist at such depths.[5] But this has since been disproved by Soviet deep-sea exploration. Wherever there is life, radioactive substances are absorbed into the biological cycle. Within hours of depositing these materials in water, the great bulk of them can be found in living organisms. Plankton, algae, and many sea animals have the power of concentrating these substances by a factor of 1,000 and in some cases even a million. As one organism feeds on another, the radioactive materials climb up the ladder of life and find their way back to man.[6]

No international agreement has yet been reached on waste disposal. The conference of the International Atomic Energy Organization at Monaco, 16th to 21st November, 1959, ended in disagreement, mainly on account of the violent objections raised by the majority of countries against the American and British practice of disposal into the oceans.[7] "High level" wastes continue to be dumped into the sea, while large quantities of so-called "intermediate" and "low-level" wastes are discharged into rivers or directly into the ground. An A.E.C. report observes laconically that the liquid wastes "work their way slowly into ground water, leaving all or part (sic!) of their radioactivity held either chemically or physically in the soil."[8]

The most massive wastes are, of course, the nuclear reactors themselves after they have become unserviceable. There is a lot of discussion on the trivial economic question of whether they will last for 20, 25, or 30 years. No one discusses the humanly vital point that they cannot be dismantled and cannot be shifted but have to be left standing where they are, probably for centuries, perhaps for thousands of years, an active menace to all life, silently leaking radioactivity into air, water and soil. No one has considered the number and location of these satanic mills which will relentlessly accumulate in these crowded islands, so that, after a generation or two, there will be no habitation in Britain outside the "sphere of influence" of one or more of them. Earthquakes, of course, are not supposed to happen, nor wars, nor civil disturbances, nor riots like those that infested American cities. Disused nuclear power stations will stand as unsightly monuments to unquiet man's assumption that nothing but tranquillity, from now on, stretches before him, or else—that the future counts as nothing compared with the slightest economic gain now.

Meanwhile, a number of authorities are engaged in defining "maximum permissible concentrations" (MPC's) and "maximum permissible levels" (MPL's) for various radioactive elements. The MPC purports to define the quantity of a given radioactive substance that the human body can be allowed to accumulate. But it is known that *any* accumulation produces biological damage. "Since we don't know that these effects can be completely recovered from", observes the U.S. Naval Radiological Laboratory, "we have to fall back on an arbitrary decision about how much we will put up with; i.e. what is 'acceptable' or 'permissible'—not a scientific

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[1] cf. C. T. Highton, Die Haftüng für Strahlenschäden in Grossbritannien, in Die Atomwirtschaft, Zeitschrift für wirtschaftliche Fragen der Kernumwandlung 1959, p. 539.

[2] cf. Jack Schubert and Ralph Lapp: Radiation: What It Is and How It Affects You, New York, 1957. Also Hans Marquardt and Gerhard Schubert, Tie Strahlengefährdung des Menschen durch Atomenergie, Hamburg 1959. Also: Volume XI of Proceedings of the International Conference on the Peaceful Uses of Atomic Energy, Geneva 1955, and Volume XXII of Proceedings of the Second United Nations International Conference on the Peaceful Uses of Atomic Energy, Geneva 1958.

[3] cf. H. J. Muller, Changing Genes: Their Effects on Evolution, in Bulletin of the Atomic Scientists, A Magazine of Science and Public Affairs, edited by E. Rabinowitch, Chicago 1947.

[4] cf. Statement by G. Failla, Hearings Before the Special Subcommittee on Radiation of the Joint Committee on Atomic Energy, 86th Congress of the United States, May 5th–8th, 1959, Fallout From Nuclear Weapons. Washington, D.C. 1959, Vol. II, p. 1577.

[5] R. Revelle and M. B. Schaefer, Oceanic Research Needed for Safe Disposal of Radioactive Wastes at Sea; and V. G. Bogorov and E. M. Kreps, Concerning the Possibility of Disposing of Radioactive Waste in Ocean Trenches. Both in Vol. XVIII of Proceedings, Geneva Conference 1958 (see Note 14 above).

[6] ibid. B. H. Ketchum and V. T. Bowen, Biological Factors Determining the Distribution of Radioisotopes in the Sea, pp. 429–33.

[7] Conference Report by H. W. Levi, in Die Atomwirtschaft, 1960, pp. 57 et. seq.

[8] U.S. Atomic Energy Commission, Annual Report to Congress, Washington, D.C. 1960. p. 344.

finding, but an administrative decision" [9]. We can hardly be surprised when men of outstanding intelligence and integrity, like Albert Schweitzer, refuse to accept such administrative decisions with equanimity: "Who has given them the right to do this? Who is even entitled to give such a permission?" [10] The history of these decisions is, to say the least, disquieting. The British Medical Research Council noted some 12 years ago that

"The maximum permissible level of strontium-90 in the human skeleton, accepted by the International Commission on Radiological Protection, corresponds to 1,000 micro-micro-curies per gramme of calcium (=1,000 S.U.). But this is the maximum permissible level for adults in special occupations and is not suitable for application to the population as a whole or to the children with their greater sensitivity to radiation." [11]

A little bit later, the MPC for strontium-90, as far as the general population was concerned, was reduced by 90 per cent, and then by another third, to 67 S.U. Meanwhile, the MPC for workers in nuclear plants was raised to 2,000 S.U.[12]

We must be careful, however, not to get lost in the jungle of controversy that has grown up in this field. The point is that very serious hazards have already been created by the "peaceful uses of atomic energy", affecting not merely the people alive today but all future generations, although so far nuclear energy is being used only on a statistically insignificant scale. The real development is yet to come, on a scale which few people are capable of imagining. If this is really going to happen, there will be a continuous traffic of radioactive substances from the "hot" chemical plants to the nuclear stations and back again; from the stations to waste processing plants; and from there to disposal sites. The slightest accident, whether during transport or production, can cause a major catastrophe; and the radiation levels throughout the world will rise relentlessly from generation to generation. Unless all living geneticists are in error, there will be an equally relentless, though no doubt somewhat delayed, increase in the number of harmful mutations. K. Z. Morgan, of the Oak Ridge Laboratory, emphasizes that the damage can be very subtle, a deterioration of all kinds of organic qualities, such as mobility, fertility, and the efficiency of sensory organs. "If a small dose has any effect at all at any stage in the life cycle of an organism, then chronic radiation at this level can be more damaging than a single massive dose . . . Finally, stress and changes in mutation rates may be produced even when there is no immediately obvious effect on survival of irradiated individuals" [13].

Leading geneticists have given their warnings that everything possible should be done to avoid any increases in mutation rates; [14] leading medical men have insisted that the future use of nuclear energy must depend primarily on researches into radiation biology which are as yet still totally incomplete; [15] leading physicists have suggested that "measures much less heroic than building . . . nuclear reactors" should be tried to solve the problem of future energy supplies—a problem which is in no way acute at present; [16] and leading students of strategic and political problems, at the same time, have warned us that there is really no hope of preventing the proliferation of the atom bomb, if there is a spread of plutonium capacity, such as was "spectacularly launched by President Eisenhower in his 'atoms for peace proposals' of 8th December, 1953" [17].

Yet all these weighty opinions play no part in the debate on whether we should go immediately for a large "second nuclear programme" or stick a bit longer to the conventional fuels which, whatever may be said for or against them, do not involve us in entirely novel and admittedly incalculable risks. None of them are even mentioned: the whole argument, which may vitally affect the very future of the human race, is conducted exclusively in terms of immediate economic advantage, as if two rag and bone merchants were trying to agree a quantity discount.

I wonder how Dr. Des Vœux would have reached to such an absurdly improbable situation. What, after all, is the fouling of air with smoke compared with the pollution of air, water, and soil with ionizing radiation? Not that I wish in any way to belittle the evils of conventional air and water pollution; but we must recognize "dimensional differences" when we encounter them: radioactive pollution is an evil of an incomparably greater "dimension" than anything mankind has known before. One might even ask: what is the point of insisting on clean air, if the air is laden with radioactive particles? And even if the air could be protected, what is the point of it, if soil and water are being poisoned?

Even an economist might well ask: what is the point of economic progress, a so-called higher standard of living, when the earth, the only earth we have, is being contaminated by substances which may cause malformations in our children or grandchildren? Have we learned nothing from the thalidomide tragedy? Can we deal with matters of such a basic character by means of bland assurances or official admonitions that "in the absence of proof that (this or that innovation) is in any way deleterious, it would be the height of irresponsibility to raise a public alarm" [18]? Can we deal with them simply on the basis of a short-term profitability calculation?

"It might be thought", wrote Leonard Beaton, "that all the resources of those who fear the spread of nuclear weapons would have been devoted to heading off these developments for as long as possible. The United States, the Soviet Union and Britain might be expected to have spent large sums of money trying to prove that conventional fuels, for example, had been underrated as a source of power . . . In fact . . . the efforts which have followed must stand as one of the most inexplicable political fantasies in history. Only a social psychologist could hope to explain why the possessors of the most terrible weapons in history have sought to spread the necessary industry to produce them . . . Fortunately, . . . power reactors are still fairly scarce." [19] In fact, a prominent American nuclear physicist, A. W. Weinberg, has given some sort of explanation: "There is", he says, "an understandable drive on the part of men of good will to build up the positive aspects of nuclear energy simply because the negative aspects are so distressing." But he also adds the warning that "there are very compelling personal reasons why atomic scientists sound optimistic when writing about their impact on world affairs. Each of us must justify to himself his preoccupation with instruments of nuclear destruction (and even we reactor people are only slightly less beset with such guilt than are our weaponeering colleagues)" [20].

Our instinct of self-preservation, one should have thought, would make us immune to the blandishments of guilt-ridden scientific optimism or the unproved promises of pecuniary advantages. "It is not too late at this point for us to reconsider old decisions and make new ones", says a recent American commentator. "For the moment at least, the choice is available" [21]. Once many more centres of radioactivity have been created, there will be no more choice, whether we can cope with the hazards or not.

It is clear that certain scientific and technological advances of the last 30 years have produced, and are continuing to produce, hazards of an altogether intolerable kind. At the Fourth National Cancer Conference in America in September, 1960, Lester Breslow of the California State Department of Public Health reported that tens of thousands of trout in western hatcheries suddenly acquired liver cancers, and continued thus:

"Technological changes affecting man's environment are being introduced at such a rapid rate and with so little control that it is a wonder man has thus far escaped the type of cancer epidemic occurring this year among the trout." [22]

To mention these things, no doubt, means laying oneself open to the charge of being against science, technology, and progress. Let me therefore, in conclusion, add a few words about future scientific research. Man cannot live without science and technology any more than he can live against nature. What needs the most careful consideration, however, is the *direction* of scientific research. We cannot leave this to the scientists alone. As Einstein himself said,[23] "almost all scientists are economically completely dependent" and "the number of scientists who possess a sense of social responsibility is so small" that they cannot determine the direction of research. The latter dictum applies, no doubt, to all specialists, and the task therefore falls to the intelligent layman, to people like those who form the National Society for Clean Air and other similar societies concerned with *Conservation*. They must work on public opinion, so that the politicians, depending on public opinion, will free themselves from the thraldom of economism and attend to the things that really matter. What matters, as I said, is the *direction* of research, that the direction should be towards non-violence rather than violence; towards an harmonious co-operation with nature rather than a warfare against nature; towards the noiseless, low-energy, elegant and economical solutions normally applied in nature rather than the noisy, high-energy, brutal, wasteful, and clumsy solutions of our immature sciences.

The continuation of scientific advance in the direction of ever increasing violence, culminating in nuclear fission and moving on to nuclear fusion, is a prospect of terror

[9] U.S. Naval Radiological Defense Laboratory Statement, in Selected Materials on Radiation Protection Criteria and Standards, their Basis and Use, p. 464. (Quoted by Herber, op. cit.)

[10] Albert Schweitzer, Friede oder Atomkrieg, 1958, p. 13.

[11] British Medical Research Council, The Hazards to Man of Nuclear and Allied Radiations, p. 68. (Quoted by Herber, op. cit.)

[12] Lewis Herber, op. cit. p. 181.

[13] K. Z. Morgan, Summary and Evaluation of Environmental Factors that must be considered in the Disposal of Radioactive Wastes, in Industrial Radioactive Disposal, Vol. 3, p. 2378. (Quoted by Herber, op. cit. p. 193).

[14] cf. H. Marquardt, Natürliche und künstliche Erbänderungen. Problems der Mutationsforschung, Hamburg 1957, p. 161.

[15] cf. Schubert and Lapp, op. cit.

[16] A. M. Weinberg, Today's Revolution, in Bulletin of the Atomic Scientists, Chicago, 1956.

[17] Leonard Beaton, Must the Bomb Spread? Penguin Books in association with the Institute of Strategic Studies, London, 1966, p. 88.

[18] W. O. Caster, From Bomb to Man, in Fallout, ed. by John M. Fowler, New York, 1960 pp. 48–9.

[19] op. cit. pp. 88–90.

[20] op. cit. pp. 299 & 302.

[21] Walter Schneir, The Atom's Poisonous Garbage, in The Reporter, March 17th, 1960, p. 22. (Quoted by Herbert, op. cit. p. 194.).

[22] Lewis Herber, op. cit. p. 152.

[23] Albert Einstein, On Peace, ed. by O. Nathan and H. Norden, with a Preface by Bertrand Russell, New York, 1960, pp. 455–6.

threatening the abolition of man. Yet it is not written in the stars that this must be the direction. There is also a life-giving and life-enhancing possibility, the conscious exploration and cultivation of all relatively non-violent, harmonious, organic methods of co-operating with that enormous, wonderful, incomprehensible system of God-given nature, of which we are a part and which we certainly have not made ourselves.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

S. 3055—INTRODUCTION OF THE JUDICIAL REFORM ACT OF 1968

Mr. TYDINGS. Mr. President, I ask unanimous consent that the text of the bill and materials I now send to the desk be included in the RECORD in their entirety at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. TYDINGS. Mr. President, I am today introducing legislation that has been a principal concern of the Subcommittee on Improvements in Judicial Machinery for over 2 years. The problems it would resolve are many and critical. They have been studied, researched, discussed, and rediscussed by our subcommittee only in recent years, but they have been plaguing the judiciary for decades.

My bill is entitled the Judicial Reform Act. It is an attempt to solve a number of the critical problems confronting our Federal courts. It would establish machinery within the judiciary to deal with judges who through their actions have failed to meet the standard of good behavior required by article III of the Constitution. It clarifies current provisions relating to the involuntary retirement of disabled judges. It improves judicial survivorship benefits and places them on a sound financial and actuarial basis. It deals with conflict-of-interest problems; with the selection of chief judges of both our circuit and district courts; and finally, with the membership of the judicial councils. Careful study by the subcommittee has revealed that each of these areas deserves the present attention of the Congress. Let me briefly outline this legislation for my colleagues—

TITLE I

Title I of the act relates to a sensitive concern of us all: The problem of judicial fitness, judicial tenure, and the image of our courts in the eyes of our citizenry. It is perhaps true that no institution of our Government has been invested with such personal trusts, and such delicate responsibilities, as have the courts of the United States, but is certainly a fact that no officers of our Government have, as a group and over so long a period, enjoyed the almost total confidence of those they served, as have our U.S. judges.

The record of the Federal judiciary has been an example of devotion and integrity in all but a relatively few instances. Nevertheless, there are times when the specter of past indiscretions, as well as the suspicion of present misdeeds, cloud the image of the judiciary in the minds of good citizens, even as there are times when such memories and such suspicions compromise the confidence of the people in their executive and legislative officers. In such times, proud reference to even a glowing record of the past is hardly an adequate response to the doubts of the present. Effective machinery for the prompt and just resolution of those doubts is.

Title I of the act is the product of many months of research and study by the Subcommittee on Improvements in Judicial Machinery, research and study which included many days of hearings on both coasts of the United States.

It would create a Commission on Judicial Disabilities and Tenure, with powers to investigate complaints of misconduct or physical or mental disability on the part of any judge of the United States, to recommend the removal of misbehaving judges, and to effect the involuntary retirement of physically or mentally incapacitated judges who do not retire voluntarily. The Commission is a modified version of the Commission on Judicial Qualifications established in California in 1960, and since adopted in a number of other States, and in the proposed new constitution of my own State of Maryland. It would be composed of five judges of the United States assigned to Commission service by the Chief Justice. It would be empowered to investigate the conduct or physical or mental ability of judges only upon the complaint or report of citizens.

This title of the act has been drafted to meet the following objectives: First, to provide machinery for disposing of complaints, reports, or claims that, unless resolved, might impair the confidence of the public in the courts of the United States and in the officers of those courts; second, to provide a permanent, national board with adequate powers and adequate resources to operate that machinery effectively and to apply statutory rules and definitions uniformly across the entire Federal court system; third, to protect the cherished heritage of an independent judiciary by permitting the judges of the United States to regulate the conduct and pass upon the mental and physical ability of their own brethren; and fourth to protect the rights of the accused or questioned judge by insuring the confidentiality of all Commission investigations and by guaranteeing him due process of law.

Our subcommittee's study thus far leaves little room for doubt about the inadequacy of the procedures currently available in cases of judicial unfitness. It is clear to me that we cannot continue to rely solely upon the congressional impeachment mechanism. Let me review the history and operation of that process with you.

The House of Representatives has the power to impeach a judge and the Senate has the power to convict him on the basis of the charges contained in the articles of impeachment returned by the House. If the judge is convicted, he is removed from the office and disqualified from holding any future office under the United States.

The impeachment process has been invoked only eight times with respect to Federal judges and only four cases have led to conviction. It is instructive that virtually every time the impeachment machinery is invoked, it has proved so unworkable that it has ignited an attempt in the Congress to provide an alternative remedy. As early as 1800, Congressman Randolph of Virginia proposed a constitutional amendment that would have allowed a judge to be removed upon address to the President by both Houses of Congress, a method akin to the traditional English procedure of address to the Crown. In 1819, former President Jefferson wrote to Judge Spencer Roane of Virginia, "Experience has already shown that the impeachment the Constitution has provided is not even a scarecrow." It is, he said, a "bungling" way of removing a judge.

As a remedy for judicial unfitness, impeachment suffers from several serious defects. First, it lies only for "treason, bribery or other high crimes and misdemeanors," and it is unclear whether some of the conditions that clearly warrant corrective action—senility, disability, laziness, alcoholism—fall within this category. And even if these are impeachable offenses, is it sensible or humane to remove a senile or alcoholic judge through the public spectacle of impeachment?

The second difficulty lies in the cumbersome nature of the process. As Bryce referred to it in "The American Commonwealth," impeachment is "the heaviest piece of artillery in the congressional arsenal, but because it is so heavy it is unfit for ordinary use. It is like a hundred-ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at." An impeachment trial, properly conducted, would require the constant presence of 100 Senators to hear testimony for a period of several weeks, for the average length of trials has been 16 to 17 days.

In practice very few Senators would be in constant attendance, just as very few Senators can spend all their time on the floor when legislative business is being transacted. During the last impeachment trial some 30 years ago, it was observed that at one point only three Senators were present and that one of them was writing letters and not listening to the testimony at all. What kind of trial is this? Would our notions of due process of law permit a criminal defendant to be convicted when most of the judges were not present to hear the testimony?

If we are convinced that something needs to be done about the judge who has committed no high crimes or misdemeanors but is nonetheless unfit, and if we are convinced that any removal procedure—even in extreme cases of corruption—needs to be fair and expeditious, we must conclude that impeachment is not a satisfactory answer.

In drafting the act, we have founded its removal provisions upon the tenure requirements of article III of the Constitution. That article's grant of "good behavior" tenure to judges of the United States, as well as the judiciary's implicit power of self-regulation, I believe, afford ample foundation both for the creation of the Commission and for its ability to act in the matters over which it is given jurisdiction by the act. While no court has ever squarely determined the relationship between the "good behavior" requirement for tenure and the Constitution's "high crimes and misdemeanors" impeachment conditions, it seems clear that a gap exists between them, a gap which until now has frustrated disposition of complaints against judges. We are hopeful that the act will plug that gap to the benefit of our honest and devoted judges and our citizens alike.

Mr. President, we have a situation now in the 10th circuit of the United States in which the chief judge of a U.S. district court feels that he is willing and able to continue to serve as a judge. Yet, some time ago, the Judicial Council of the 10th Circuit found him unable or unwilling to serve and ordered the clerk not to send cases to him.

One hundred and sixty-eight cases that were pending before that judge were assigned to other judges. That judge continued to act in those cases. Imagine the problem of a litigant who has a case before two different Federal judges.

I might add that in this situation in the 10th circuit, both the judge and the judicial council were handicapped. The judge himself had no protection. He had no hearing. No charges were preferred against him. His only relief was Supreme Court review. But the Supreme Court refused to review. His case is still pending. On the other hand, the judicial council of the circuit had no statutory machinery, no other way to act, despite its belief that the judge was unable or unwilling to serve. The circuit council ultimately retreated somewhat from its position regarding cases pending before the judge, but its findings stand unchanged. There is still confusion about his status, to say nothing of doubts about his competence or willingness to serve. All because there is a complete absence of any machinery in the judiciary to deal with these problems.

I feel that a judge who is 65 years old, if he wishes to retire but still wishes to serve from time to time as his energy and his spirit wishes, even in retirement, should be permitted to do so. He should have that right and he should not lose it the minute he accepts retired status.

TITLE II

At present there are many judges on the Federal bench over the age of 65 for whom retirement is not an attractive alternative to continued regular active service, and for a number of reasons. Two seem more important than the others: First, existing law makes full-pay retirement avalable only to a judge who is 65 years old and who has served 15 years, or to a judge who is 70 years old and who has served 10 years. Judges who retire without the specified combination of age and service might face an abrupt and serious challenge to their financial security, or a drastic change in their standard of living. Second, many judges who are qualified to retitre fail to do so because they feel that they are still willing and able to continue judicial service. Present law gives them no assurance that their precious judicial experience and their still-energetic spirits will be put to good use in retirement. Although retired judges retain their judicial offices, existing statutes allow them to participate in the business of the courts they have served faithfully for many years only upon request of their circuit chief judges or circuit councils.

Title II of the Judicial Reform Act would go a long way toward securing an attractive and honorable retirement to all qualified judges. It would make retirement at full pay available to every judge who has attained the age of 65 and who has served at least 10 years. It would also grant such judges a kind of "right" to be assigned such cases after retirement as they are willing and able to undertake. Thus, it would meet two of the principal stumbling blocks to present voluntary minimum age and service retirement.

But it would do more. For each time a judge retires, leaving regular active service, a vacancy occurs on his court, a vacancy which can be filled by the appointment of a new regular active service judge. Minimum-age-and-service retirement thus means a bonus of increased manpower to the retired judge's court, increased manpower that can help alleviate existing backlogs or avoid future ones: both the retired judge and his newly appointed successor can be employed in the disposing of the business of the court where before only one superannuated judge could be so employed.

Present disability retirement provisions have also proven less than adequate. Although a permanently disabled judge may retire at any time and retain his office and its full salary, the definition of disability as it stands is somewhat ambiguous. Further, some disabled judges refuse to, or cannot, recognize their disability. Their colleagues are often torn between their loyalty and respect for their disabled brother and their urgent need for additional judges who can carry a full judicial caseload. Often this dilemma results in prolonged deferral of certification by the appropriate judicial council that a judge is disabled and ought to be involuntarily retired.

The Judicial Reform Act would clear up existing inadequacies regarding both voluntary and involuntary disability retirement. Disability adequate for retirement would be more clearly defined; the burden of making the final determination in cases of involuntary retirement would be shifted from the shoulders of a judge's local colleagues to the Commission on Judicial Disabilities, composed of five judges from throughout the country, with permanent, expert staff and a more efficient and objective disposition of each case would be possible.

I submit, Mr. President, that if one is sitting on the same bench with another judge, it is not possible for him to be entirely objective about the conduct or disability of his brother judge. Such objectivity would be contrary to human experience.

Finally, the Judicial Reform Act would give every judge retired for disability, whether voluntarily or involuntarily, a "right" to assignment to such matters as he is willing and able to undertake, and a means of enforcing that "right" through the Commission on Judicial Disabilities. In every retirement case, the manpower bonus that would accrue to the retired judge's court would be a substantial aid in disposing of, or avoiding, the backlogs of cases presently confronting our Federal courts.

TITLE III

Title III of our bill relates to the judicial survivors annuity fund. The judicial survivorship insurance presently provided by title 28 is deficient in a number of ways. First, the plan covers only judges of the United States, leaving survivors of the Justices of the Supreme Court with only the anachronistic and pitifully meager "Grace Coolidge" survivorship dole. Second, the surviving spouse and minor children of our judges are not presently receiving the breadth of coverage and the extent of benefits that the survivors of Members of Congress receive. In fact, I understand that a recent unofficial estimate shows that the survivors of judges receive substantially less in benefits per dollar contributed than do the survivors of Members of Congress. Third, and perhaps equally important, the judicial survivors annuity fund is headed for bankruptcy. Present actuarial tables indicate that beginning in 1972 the fund's annual payments will outstrip annual contributions, and the fund will be exhausted early in the 1980's. Fourth, the present statutory treatment of the judicial survivorship plan would require recurrent effort to keep benefits available to judges equal to those available to civil servants and Members of Congress. By the very nature of the legislative process, accomplishment of this goal would almost certainly lag far behind civil service survivorship increases.

Title III would remedy each of these present deficiencies. But it would do so not by amending the relevant sections of title 28, but by repealing them altogether, and by locating judicial survivorship insurance within the civil service retirement plan. At first glance, this might seem a drastic step, but it is not. In 1966, the President's Cabinet Committee of Federal Staff Retirement Systems recommended the merger into the civil service retirement fund of all other contributory retirement and survivorship plans administered by government agencies. Shortly afterward, a joint task force of the Civil Service Commission and the Administrative Office of the U.S. Courts explored the merger of the civil service retirement fund and the judicial survivors annuity fund, and reported that merger was not only feasible, but merger would ultimately prove beneficial to all concerned. Since then, much has been said of the merger proposal, but nothing has been forthcoming in the way of merger legislation.

Title III is merger legislation. It would merge the judicial survivors annuity fund with the civil service retirement fund and make participation in the civil service survivorship plan available to judges and justices alike. It would place the benefits available to judges and Members of Congress on an equal footing and at an equal rate of contribution. It would tie the solvency of the survivorship plan for judges to the solvency of the broader-based civil service retirement fund, which although it, too, is in financial trouble, has already been promised priority consideration by a sympathetic House Retirement Subcommittee.

But title III would do more than merely merge the judicial survivors annuity fund with civil service, thereby gaining substantive advantages for its participants. It also would preserve to the judiciary its present prerogatives in administering the fund. Questions of eligibility would still be determined within the Administrative Office of the U.S. Courts. Individual participation records would be kept there, counseling of judges and their survivors would remain Administrative Office functions, and payments from the fund would be made upon the order of the Director. Perhaps more important than all of these advantages, however, is the fact that increases in benefits would be permanetly tied to the increases won by civil servants, and indeed by Members of Congress, for their own survivors.

TITLE IV

Title IV is related in spirit, as well as in letter, to title I. It would require the disclosure by each judge of the United States to his judicial superior of all of his financial and nonjudicial business interests, under rules promulgated by the Judicial Conference. It would also make participation in the decision of any matter by a judge of the United States who has a financial interest in the outcome of that matter grounds for his removal.

Conflicts of interest within the judiciary pose a problem, if not as prevalent, then nonetheless as serious in the individual case, as similar problems faced within the executive and the legislative branches. With a sweeping reporting and disclosure statute already in effect for the executive branch, and with serious consideration being given to a parallel plan for the Legislature, the judiciary can have no fear that it is being "singled out" for harsh treatment by Congress. The time has come when all officers of Government are being called upon by an alert citizenry to account for their stewardships.

As I indicated, the disclosure the Judicial Reform Act requires would be disclosure to the chief judge of the individual district court or to the chief judge of the circuit court. It would not be a public disclosure. It would be parallel to the system used in the executive branch.

TITLE V

Title V provides a number of miscellaneous reforms tied to the overall purpose of the act, increased efficiency in the Federal courts.

One of the likely reasons that a superannuated judge remains in regular active service even after retirement at full pay becomes available is that, under present law, persistence in regular active service after age 65 often ultimately results in the achievement of the chief judge position. At present, the chief judge of each district court and circuit court of appeals is the judge senior in commission on the court, in regular active service and under the age of 70 years.

This inducement to persistence in regular active service on the part of superannuated judges is, of course, not the most important deficiency of present law relating to the selection of chief judges. It is the very arbitrariness of the "tenure system" itself that discredits existing law. The seniority of a judge's commission is by no means an index of his administrative skill or competence. Quite often a court will have one or more members better qualified to administer the court's business than its longest officeholder under the age of 70. That member or those members, and their fellow judges, at present have no way of putting such administrative talent or inclination to use. Thus, the act calls for the election of chief judges in the district and circuit courts. I should say that fairness and recognition of the important contributions of chief judges serving now, however, require that application of these election provisions be deferred until the retirement of incumbent chief judges.

Let me comment here for one moment, if I may, Mr. President. The superior court of Los Angeles County has one of the largest nisi prius courts in the world. Some years ago—I believe it was 1960—it scrapped the seniority system for the selection of its chief judge.

They selected by secret ballot that judge they felt was most equipped and qualified by reason of his administrative talent. The result in the improvement of the superior court of Los Angeles County, in California, has been a monument of court efficiency recognized throughout the Nation.

I feel that similar results would be available if we adopted the same procedures for the U.S. district courts and the U.S. circuit courts of appeals.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. TYDINGS. I am delighted to yield to the distinguished Senator from Washington.

Mr. MAGNUSON. Mr. President, there is another system in vogue in superior courts. I think it is still in effect in my State. Under that system they rotate the presiding judge after a period of time, for instance after 1 or 2 years, which also could meet the problem about which the Senator is speaking.

Mr. TYDINGS. That is another alternative.

Mr. President, I might say that we intend to have hearings on these proposals throughout 1968. We are introducing these proposals today. We hope that during 1968 judges, bar associations, Members of Congress, legal scholars, and concerned attorneys and citizens will have an opportunity to study our proposals and write to us about them, and then come in and testify. We anticipate that in 1969 we will, on the basis of these criticisms and suggestions, redraft the legislation and reintroduce it for the 91st Congress. We would then hold hearings during the first session of the 91st Congress on these same reforms and proposals, as amended or as improved in light of the comments and criticisms we receive. Hopefully in the 91st Congress we will be able to move to final enactment. Any judicial reform, by its very nature, is a long and complicated process and we are offering these proposals as a means of drawing attention to the problems.

In the opinion of the chairman of the Subcommittee on Improvements in Judicial Machinery, these proposals incorporate the best approaches, now apparent, to resolving those problems. However, I am not by any means wedded to any or all of the proposals. Introduction of the Judicial Reform Act is a means to bring the specifics to the attention of the public, and hopefully the distinguished Senator from Washington and others will be able to comment or have their constituents from the bench and the bar comment and guide us in trying to perfect the legislation.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. MAGNUSON. Mr. President, I wish to state to the Senator that I hope everyone will have a contribution to make. I know that all of us in the Senate, or at least most of us, know how long the Senator from Maryland has been working on this problem. He has devoted much time and effort to this matter, and I know from personal knowledge that he has talked to many members of the Federal judiciary, many deans of law schools all over the country, prominent lawyers and members of bar associations, and many other persons connected with the judiciary in this country.

I am sure that the proposed legislation embodies a great number of ideas that will naturally be subject to discussion and perhaps modification and change, but I do wish to compliment the distinguished Senator from Maryland because he has devoted much time and energy to this matter. As he has pointed out so aptly, judicial reforms come slowly. I am glad that he is beginning his program or his suggestions now because a long, long time is going to be involved in bringing the matter to fruition.

Mr. TYDINGS. I thank the Senator.

One other reform we propose has to do with the composition of the membership of the judicial council in each circuit. At the present time the membership of the judicial council in each circuit is comprised solely of the judges of the U.S. courts of appeals. We feel, for this reason, that the councils are not nearly as effective as they might be. They are not as aware as they might be of the various problems of the judges of the U.S. district courts. Therefore, we propose to change the law by providing that each judicial council shall comprise no more than nine judges, four of whom shall be elected from the chief judges of the circuit's constituent U.S. district courts, four of whom shall be U.S. court of ap-

peals judges, and the other to be the chief judge of the court of appeals. We think this will confront the judicial councils with the day-to-day problems of the U.S. district courts and make them far more efficient in operation for the benefit of all of the judiciary.

The cries of our heavily burdened district judges for greater or more democratic representation in the administrative councils of our judicial system have grown louder in recent years, and in my opinion, not without reason. To say that district judges should have their own voice in the selection of their chief judge, but not in the selection of their representative on circuit councils and on the Judicial Conference would be more than inconsistent. The Judicial Reform Act would require the election, by district judges only, of the district judges who sit in the circuit judicial councils, and on the Judicial Conference of the United States. The advent of democracy for the district judges would in no way be a reflection upon the service of those chosen by existing methods. It would be, instead, a strengthening of the entire administrative chain of command in our courts.

OTHER PROPOSALS

Mr. President, before I conclude, I also want to mention the alternative or supplementary proposals, not a part of the act, that I will also introduce. These are bills that have not received the careful study by our subcommittee that the proposals in the act have received. I will introduce them because they incorporate suggestions made by our judges and by others concerned with the administration of our courts. They deserve careful study, and by introducing them, I will endeavor to see that they receive that study. One of these bills is an alternative to title III of the act, relating to judicial survivors annuities. Another would create within each judicial circuit the office of administrator of the courts. The third would require the mandatory retirement of judges of the United States at the age of 70. I will introduce them in the near future.

A BETTER WAY

In summary, that is our Judicial Reform Act. For details I refer my colleagues to the text of the act itself, and to the outline of its provisions that I am also sending to the desk for inclusion in the RECORD at the conclusion of my remarks.

It is my hope that my introduction of the act will bring about a spirited and rigorous dialog on every aspect of the bill. Hearings on the need for legislation of this kind, the "philosophy" of this bill, the soundness of its provisions, alternative solutions to the problems it recognizes, and so on, are tentatively scheduled for early this spring. I encourage my fellow Senators, the judges of the United States, and our good citizens to make themselves heard on this important legislation.

I feel certain that even those who do not agree with every specific of the act will agree with me. There should be a better way to resolve complaints about judges of the United States than the haphazard, ad hoc means used in the past, than the too formal and virtually ineffectual impeachment process. There should be a better way to make retirement attractive to older judges, to permit disabled judges to choose an honorable retirement, to make that choice for disabled judges when they cannot or will not recognize their disability. There should be a better way to provide equitable financial treatment for the survivors of our Federal judges. There should be a better way to insure that the personal financial interests of a judge never tip the scales of justice one way or the other. There should be a better way to select from among our judges those best equipped to assume the additional burdens and responsibilities that service as chief judge, or member of the circuit judicial council, or member of the Judicial Conference of the United States, entails.

The Judicial Reform Act, if it does nothing else, presents a better way to accomplish each of these goals.

Mr. President, I ask unanimous consent that an outline of the proposed bill, together with a copy of the bill, be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the outline and the bill will be printed in the RECORD.

The bill (S. 3055) to provide for improvements in the administration of the courts of the United States, and for other purposes, introduced by Mr. TYDINGS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Judicial Reform Act".

TITLE I—COMMISSION ON JUDICIAL DISABILITIES AND TENURE

SEC. 101. (a) Chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

"§ 377. Commission on Judicial Disabilities and Tenure

"(a) There is established within the judicial branch of the Government a Commission on Judicial Disabilities and Tenure, whose purpose it shall be to promote the honorable and efficient administration of justice in the courts of the United States through the performance of the duties imposed upon it by law.

"(b) The Commission shall be composed of five members. Each member shall be a judge of a court of the United States who is in regular active service. The Commission shall, at all times, include at least two judges of the district courts and two judges of the circuit courts. All members shall be assigned to the Commission by the Chief Justice, who shall also designate one of the members as the chairman of the Commission. No judge who is a member of the Judicial Conference of the United States shall be assigned to the Commission.

"(c) The term of each assignment to the Commission shall be four years; except that—

"(1) a member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was assigned;

"(2) the terms of members first assigned to the Commission shall be those prescribed in section 103(a) of the Judicial Reform Act; and

"(3) the term of a member shall become vacant automatically when he resigns, retires, or is permanently separated from regular active service as a judicial officer, becomes a member of the Judicial Conference of the United States, or becomes a justice of the United States.

A judge who has served a full term may be reassigned to the Commission only once. A judge assigned to fill a term that has been vacated may be reassigned to the Commission for one full term.

"(d) Performance of duties as a member of the Commission shall constitute the transaction of official business within the meaning of section 456 of this title.

"(e) The Commission shall act upon the concurrence of any three of its members, but the concurrence of any four of its members shall be required to effect a determination that the conduct of a judge has been or is inconsistent with the good behavior required by Article III of the Constitution.

"§ 378. Good behavior of a judge

"(a) Upon complaint or report, formal or informal, of any person, the Commission may undertake an investigation of the official conduct of any judge of the United States appointed to hold office under Article III of the Constitution to determine whether the conduct of such judge is and has been consistent with the good behavior required by that Article. After such investigation as it may deem adequate, the Commission may dismiss the complaint as frivolous, unwarranted, or insufficient in law or in fact. Should such investigation give the Commission cause to believe that the conduct of the judge is or has been inconsistent with the good behavior required by Article III, the Commission shall order a hearing concerning the conduct of such judge.

"(b) A judge whose conduct is to be the subject of a hearing by the Commission shall be given notice of such hearing and of the nature of the matters under inquiry not less than thirty days before the date on which the hearing is to be held. He shall be admitted to such hearing and to every subsequent hearing regarding his conduct. He may be represented by counsel, offer evidence in his own behalf, and confront and cross-examine witnesses against him. A record of each such hearing shall be kept by the Commission and one copy of such record shall be made available to the judge at the expense of the Commission.

"(c) Willful misconduct in office or willful and persistent failure to perform his official duties by a judge of the United States shall constitute conduct inconsistent with the good behavior required by Article III of the Constitution and shall be cause for the removal of that judge.

"(d) Within ninety days after the adjournment of hearings held pursuant to subsection (b) of this section, and pursuant to rules established in accordance with subsections (b) and (c) of section 103 of the Judicial Reform Act, the Commission shall make findings of fact and a determination regarding the conduct of the judge who was the subject of such hearing. If the Commission determines that the conduct of such judge has been or is inconsistent with the good behavior required by Article III of the Constitution, it shall forthwith so report to the Judicial Conference of the United States, recommending that the judge be removed from office, and shall forthwith notify the judge of its determination and order him to cease the exercise of any judicial powers or prerogatives pending disposition of the Commission's recommendation by the Judicial Conference. Failure of the Commission to reach the four-member concurrence required by section 377(e) shall in every case be deemed a determination that the conduct of the judge has not been inconsistent with the good behavior required by Article III of the Constitution. If the Commission deter-

mines that the conduct of the judge has not been inconsistent with the good behavior required by Article III, it shall forthwith so notify the judge, inquiring whether he desires the Commission to make information pertaining to the nature of its investigation, its hearings, findings and determination, or any other facts related to its proceedings regarding his conduct available to the public. Upon receipt of a request in writing from the judge, the Commission shall make such information available to the public.

"(e) Whenever the Commission determines that the conduct of a judge is or has been inconsistent with the good behavior requirement of Article III of the Constitution, the Commission shall, after consultation with that authority within his court responsible for the assignment of business to judges, formulate such order or orders regarding the business pending before the judge as the Commission may deem appropriate.

"§ 379. Duties and powers of the Judicial Conference

"(a) The Judicial Conference of the United States may adopt such rules of procedure as it may deem appropriate to the performance of its duties under this chapter.

"(b) Whenever the chairman of the Conference, or other officer designated for the purpose, receives from the Commission a recommendation that a judge be removed from office for conduct inconsistent with the good behavior required by Article III of the Constitution, the Conference or one of its committees shall forthwith review the record, the findings, and the determination of the Commission, both on the law and on the facts. In its discretion, the Conference or one of its committees may receive additional evidence, hear oral arguments, or require the filing of briefs. The Conference may accept, modify, or reject the findings of the Commission, or remand the case to the Commission for further proceedings in accordance with the Conference's order. Should the Conference accept the recommendation of the Commission the Conference shall stay certification to the President of its determination that the conduct of the judge has been inconsistent with the good behavior required by Article III of the Constitution, pending review in the Supreme Court. Such stay shall expire upon final disposition of the case in the Supreme Court or on the day after the date on which the time for seeking such review has passed without the filing of a petition for the writ of certiorari. The Conference may, in its discretion, continue any order issued by the Commission pursuant to subsections (d) and (e) of section 378 of this title pending disposition by the Supreme Court.

"(c) If the Conference determines that the conduct of the judge has not been inconsistent with the good behavior required by Article III, it shall forthwith so notify the judge, inquiring whether he desires the Conference to make information pertaining to the nature of its investigation, its hearings, findings and determination, or any other facts relating to its proceedings regarding his conduct available to the public. Upon receipt of a notice in writing from the judge, the Conference shall make such information available to the public.

"(d) A judge aggrieved by a determination of the Conference to certify him for removal may seek review of such determination by writ of certiorari in the Supreme Court under section 1259 of this title.

"(e) Upon affirmance by the Supreme Court of the Conference's determination to certify a judge for removal, or upon expiration of a stay for failure to seek review of the certification in the Supreme Court, the Conference shall forthwith so certify to the President, and such judge shall be removed from office. The President shall forthwith appoint, by and with the advice and consent of the Senate, a successor to such judge.

"§ 380. Disability of a judge

"(a) Upon certification to the Commission in accordance with the provisions of section 372(b) of this title, the Commission shall order a hearing to determine whether the judge in question has a permanent mental or physical disability seriously interfering with the performance by him of one or more of his critical duties and whether any such disability is or is likely to become permanent in character.

"(b) A judge whose physical or mental condition is to be the subject of a hearing by the Commission shall be given notice of such hearing and of the nature of the matters under inquiry no later than thirty days prior to the date on which the hearing is to be held. He shall be admitted to such hearing and to every subsequent hearing regarding his physical or mental condition. He may be represented by counsel, offer evidence in his own behalf, and confront and cross-examine witnesses against him. A record of each such hearing shall be kept by the Commission and one copy of such record shall be made available to such judge at the expense of the Commission.

"(c) Within ninety days after the adjournment of hearings held pursuant to subsections (a) and (b) of this section, and pursuant to rules established in accordance with subsections (b) and (c) of section 103 of the Judicial Reform Act, the Commission shall make findings of fact and a determination regarding the physical or mental condition of such judge. Should the Commission determine that the judge does have a physical or mental disability seriously interfering with the performance by him of one or more of his critical duties and that the disability is or is likely to become permanent in character, the Commission shall proceed pursuant to section 372(b) of this title. Should the Commission determine that the judge does not have such a disability it shall forthwith so report to the judge and to the judges of the Judicial Council, the Chief Justice, or chief judge who presented the certificate to the Commission under section 372(b) of this title. The judge shall be informed that, upon receipt of his written request, the Commission will make information regarding the nature of its proceedings, its findings and determinations, and such other matters regarding its proceedings in his case as are not confidential or privileged under law available to the public. Upon receipt of such request, the Commission shall make such information available to the public.

"§ 381. Claim of a judge

"The Commission shall hear and decide any claim by a judge retired under section 372(b) of this title that he is not being assigned such judicial duties within his court as he is willing and able to undertake. The Commission may prescribe by rule such procedures as may be appropriate to the consideration and disposition of these claims. Whenever such a claim is substantiated to the satisfaction of a majority of the Commission, the Commission shall transmit an appropriate order to the authority within his court responsible for the assignment of judicial duties to retired judges.

"§ 382. Confidentiality of proceedings

"The filing of papers with and the giving of testimony before the Commission shall be privileged. Unless otherwise authorized by the judge whose conduct, physical or mental ability, or claim is the subject of proceedings under this chapter, or authorized by this section, or by section 378 or 380 of this title, the record of hearings before the Commission and all papers filed in connection with such hearings shall be confidential; but the filing of an application for a writ of certiorari to the Supreme Court of the United States, as provided in section 125.9 of this title, shall render public the record of hearings before the Commission and before the Conference and all papers filed in connection therewith to the extent that such record or such papers are required for the disposition of such application and for the conduct of any subsequent proceedings.

"§ 383. Disqualification

"A judge who is a member of the Commission or the Judicial Conference of the United States shall not serve as a member of such body in any proceedings when it inquires into his own conduct or physical or mental condition or claim. No judge of the same court as the judge whose conduct or physical or mental condition or claim is the subject of any inquiry by the Commission or the Conference shall participate in such inquiry or in the determination of such body thereof. In the event that a Commission member is disqualified under this subsection, the Chief Justice shall assign a substitute judge to the Commission, to serve only in the matter which caused this assignment.

"§ 384. Powers of the Commission and the Judicial Conference

"(a) In the conduct of investigations and hearings under sections 378–381, of this title, the Commission and the Judicial Conference of the Untied States may administer oaths, order and otherwise provide for the inspection of books and records, and issue subpoenas for the attendance of witnesses and the production of papers, books, accounts, documents and testimony relevant to any such investigation or proceeding.

"(b) No person shall be excused from attending and testifying or from producing books, papers and other records and documents before the Commission or the Conference on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"§ 385. Enforcement

"If any person refuses to attend, testify, or produce any writings or things required by a subpoena issued by the Commission or the Judicial Conference of the United States, the issuing body may petition the district court for the district in which such person may be found for an order compelling such person to attend and testify or produce the writings or things required by the subpoena. The court shall order such person to appear before it at a specified time and place and then and there shall consider why he has not attended or testified or produced the writings or things as required. A copy of the order shall be served upon him. If it appears to the court that the subpoena was regularly issued, the court shall order such person to appear before the issuing body at the time and place fixed in the order and to testify or to produce the required writings or things. Upon failure to obey the order, such person shall be dealt with as for contempt of court.

"§ 386. Depositions

"In pending investigations or proceedings before them, the Commission and the Judicial Conference of the United States may order the deposition of any person to be taken in such form and subject to such limitation as may be prescribed in the order. The Commission or the Conference may file in the district court in which such investigation or proceeding is pending a petition entitled "In the Matter of Proceedings of the Commission on Judicial Disability and Tenure (or Judicial Conference of the United

States) No. ——", stating generally, without identifying the judge, the nature of the pending matter, the name and residence of the person whose testimony is desired, and directions, if any, of the Commission or the Conference, asking that an order be made requiring such person to appear and testify before a designated officer. Upon the filing of the petition, the court may make an order requiring such person to appear and testify. A subpoena for such depositions shall be issued by the clerk and the depositions shall be taken and returned in the manner prescribed by law in civil actions.

"§387. Fees and mileage of witnesses.

"Each witness, other than an officer or employee of the United States, shall receive for his attendance the same fees, and all witnesses shall receive the same mileage, allowed by law to a witness in civil cases as provided in section 1821 of this title. The amount shall be paid by the Administrative Office of the United States Courts from funds appropriated for the judiciary.

"§388. Duty of marshals to serve process and execute orders.

"It shall be the duty of the United States marshals, upon request of the Commission or the Judicial Conference of the United States to serve process and to execute all lawful orders of the Commission or Conference.

"§389. Commission and Conference staffs

"(a) The Commission shall have a permanent staff of attorneys, and clerical and secretarial assistants.

"(b) The Commission and the Judicial Conference of the United States may employ on a temporary basis such counsel, assistants, and other employees as are necessary for the performance of the duties and exercise of the powers conferred upon them. The Commission and the Conference may arrange for and compensate medical and other experts and reporters, and arrange for the attendance of witnesses, including witnesses not subject to subpoena.

"(c) The Director of the Administrative Office of the United States Courts may pay from funds available to the judiciary all expenses reasonably necessary for effectuating the purposes of sections 377–381 of this title, whether or not specifically enumerated herein.".

(b) The analysis of chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"377. Commission on Judicial Disabilities and Tenure.
"378. Good behavior of a judge.
"379. Duties and powers of the Judicial Conference.
"380. Disability of a judge.
"381. Claim of a judge.
"382. Confidentiality of proceedings.
"383. Disqualification.
"384. Powers of the Commission and the Judicial Conference.
"385. Enforcement.
"386. Depositions.
"387. Fees and mileage of witnesses.
"388. Duty of marshals to serve process and execute orders.
"389. Commission and Conference staffs.".

(c) Section 451 of title 28, United States Code, is amended by adding at the end thereof the following new definition:

"The term 'Commission' means the Commission on Judicial Disabilities and Tenure established under chapter 17 of this title.".

SUPREME COURT REVIEW

SEC. 102. Chapter 81 of title 28, United States Code, is amended—

(1) by adding at the end thereof the following new section:

"§ 1259. Review of Judicial Conference certification

"Upon the petition of the aggrieved judge, the Supreme Court may review by writ of certiorari a certification to the President by the Judicial Conference of the United States, pursuant to section 379 of this title, that a judge be removed for conduct inconsistent with the good behavior required by Article III of the Constitution. The petition for a writ of certiorari shall be filed within the time provided in section 2101(c) of this title."; and

(2) by adding at the end of the analysis thereof the following new item:

"1259. Review of Judicial Conference certification.".

MISCELLANEOUS

SEC. 103. (a) Within ninety days after the date of enactment of this Act, the Chief Justice shall assign judges of the United States to serve on the Commission on Judicial Disabilities and Tenure in accordance with section 377 of title 28, United States Code, as added by section 101(a) of this Act. The chairman shall be appointed for a term of four years, and the members shall be appointed for terms of two, three, and four years, as designated by the Chief Justice.

(b) Within one hundred and eighty days after the date of enactment of this Act, the Commission shall promulgate such rules for the conduct of its proceedings and other business it is authorized to undertake under title I of this Act.

(c) Within one hundred and eighty days after the enactment of this Act, the Judicial Conference of the United States shall promulgate rules of evidence for the use of the Commission and the Conference, or any constituent committee thereof empowered to conduct hearings on their behalf, and rules for the conduct of its proceedings and other business related to its compliance with duties imposed upon it under title I of this Act.

(d) All rules promulgated pursuant to subsections (b) and (c), and amendments thereto, shall be matters of public record, and shall be effective upon promulgation.

TITLE II—RETIREMENT OF JUDGES

RETIREMENT FOR AGE

SEC. 201. (a) Section 371(b) of title 28, United States Code, is amended

(1) by striking out "after attaining the age of seventy years and after serving at least ten years continuously or otherwise, or"; and

(2) by striking out "fifteen" and inserting in lieu thereof "ten".

(b) The last full paragraph of section 372(a) of such title is amended to read as follows:

"Each justice or judge retiring under this section shall, during the remainder of his lifetime, receive the salary of the office.".

DISABILITY RETIREMENT

SEC. 202. (a) Section 294(b) of title 28, United States Code, is amended by striking out the phrase "retired from regular active service under section 371(b) or 372(a) of this title", and inserting in lieu thereof the following: "retired voluntarily from regular active service under section 371(b) or 372(a) of this title, or who has been involuntarily retired under section 372(b) of this title,".

(b) Section 294 (c) of title 28, United States Code, is amended—

(1) by striking out of the first sentence thereof the phrase "Any retired circuit or district judge may", and inserting in lieu thereof the following: "Any circuit or district judge retired voluntarily under section 371(b) or 372(a) of this title or involuntarily under section 372(b) of this title shall, from time to time,"; and

(2) by adding at the end thereof the following new sentence: "A judge of the United States retired involuntarily under section 372(b) of this title shall be designated and assigned by the chief judge of his court to perform such judicial duties in such court as such judge is willing and able to undertake.".

(c) Section 372 of title 28, United States Code, is amended by striking out subsection (b), and inserting in lieu thereof the following:

"(b) Whenever any judge of the United States appointed to hold office during good behavior who is eligible to retire under this section does not do so and a certificate of his disability signed by a majority of the members of the judicial council of his circuit in the case of a circuit or district judge, or by the Chief Justice of the United States in the case of the Chief Judge of the Court of Claims, Court of Customs and Patent Appeals, or Customs Court, or by the chief judge of his court in the case of a judge of the Court of Claims, Court of Customs and Patent Appeals, or Customs Court, is presented to the Commission and a majority of the Commission finds that such judge is unable to discharge efficiently one or more of the critical duties of his office by reason of permanent mental or physical disability, the Commission shall, subject to the requirements of section 380 of this title, present the certificate to the President. The Commission may modify the certificate pursuant to proceedings in accordance with section 380 of this title. Upon presentment of the certificate to the President, the judge so certified shall be retired involuntarily from the regular active service.

"(c) The President, by and with the advice and consent of the Senate, shall forthwith appoint a successor to any judge retired involuntarily under the provisions of subsection (b) of this section. Whenever such successor shall have been appointed, the vacancy subsequently caused by the death or resignation of the judge involuntarily retired shall not be filled.

"(d) Habitual intemperance that seriously interferes with the performance of any of the critical duties of a judge shall be regarded as a permanent disability for the purposes of this section and section 380 of this title.".

TITLE III—JUDICIAL SURVIVOR ANNUITIES

REVISION OF THE SURVIVOR ANNUITY PROGRAM

SEC. 301. Subchapter III of chapter 83 of title 5, United States Code, is amended by adding at the end thereof the following new section:

"§ 8349. Annuities for survivors of judicial officials

"(a) For the purpose of this section—

"(1) 'judicial official' means an individual who gives notice in writing to the Director of the Administrative Office of the United States Courts of his desire to become subject to this section and who is—

"(A) a justice or judge of the United States as defined by section 451 of title 28;

"(B) a judge of the United States District Court for the District of Puerto Rico, the United States District Court for the District of the Canal Zone, the District Court of Guam, or the District Court of the Virgin Islands;

"(C) a Director of the Administrative Office of the United States Courts who has filed a waiver under section 611(a) of title 28; or

"(D) a Director of the Federal Judicial Center who has filed a waiver under section 627(b) of title 28; and

"(2) 'retirement salary' means, in the case of—

"(A) a justice or judge of the United States, as defined by section 451 of title 28, salary paid after retirement from regular active service under section 371(b) or 372(a) of such title or after retirement from office by resignation on salary under section 371(a) of such title;

"(B) a judge of the United States District Court for the District of Puerto Rico, the United States District Court for the District of the Canal Zone, the District Court of Guam, or the District Court of the Virgin

Islands, salary paid after retirement from office by resignation on salary under section 373 of title 28 or by removal or failure of reappointment after not less than ten years judicial service;

"(C) the Director of the Administrative Office of the United States Courts, an annuity paid under subsection (b) or (c) of section 611 of title 28; and

"(D) the Director of the Federal Judicial Center, an annuity paid under subsection (c) or (d) of section 627 of title 28.

"(b) Survivors of judicial officials are entitled to the same benefits under this subchapter as survivors of Members. For the purposes of this subsection, service as a judicial official shall be credited in the same manner as Member service, and the provisions of sections 8331, 8332, 8334, 8339–8342, and 8345–8348 of this title are applicable to a judicial official and his survivors to the same extent as such provisions are applicable to a Member and the survivors of a Member, except that—

"(1) service as a judicial official includes any period for which the judicial official is paid retirement salary;

"(2) in lieu of amounts required to be deducted, contributed, or deposited under section 8334, (A) the amount to be deducted under subsection (a) of such section shall be 3 per centum of the salary, including retirement salary, of the judicial official, and a like amount shall be contributed from the appropriation or fund available for the payment of the salary of such official, and (B) the amount of any deposit referred to in subsection (c) of such section shall be 3 per centum of the salary, including retirement salary, received for the service covered by the deposit; and

"(3) the lump-sum credit shall be paid to the judicial official who leaves office before becoming eligible to receive retirement salary.

"(c) Notwithstanding section 3347(a) of this title, the Director of the Administrative Office of the United States Courts shall administer this subchapter insofar as it applies to judicial officials and their survivors, except that—

"(1) deposits, withholdings, deductions and contributions shall be received and administered in accordance with section 8348 of this title;

"(2) actuarial duties shall be performed in accordance with section 8347(f) of this title; and

"(3) disbursements of lump sum credits and annuities shall be made by the Civil Service Commission out of the Fund upon certification by the Director of the Administrative Office of the United States Courts.".

(b) Subchapter III of chapter 83 of title 5, United States Code, is further amended by adding at the end of the analysis of such subchapter the following new item:

"8349. Annuities for survivors of judicial officials.".

TRANSFER OF FUNDS AND RECORDS

SEC. 302. (a) The Secretary of the Treasury shall transfer all assets credited to the judicial survivors annuity fund under section 376 of title 28, United States Code, to the Civil Service Retirement and Disability Fund, and the judicial survivor annuity fund shall thereupon be abolished.

(b) The Director of the Administrative Office of the United States Courts and the Secretary of the Treasury shall transfer to the Civil Service Commission any records, accounts, papers, or other matter which the Commission deems necessary to carry out the functions imposed upon it by this title.

APPLICABILITY

SEC. 303. (a) Except as provided in subsection (b), section 301 of this title shall not apply in the case of annuities which became payable under sections 375 or 376 of title 28, United States Code, prior to the effective date of this title, and such annuities shall continue in the same manner and to the same extent as if section 301 of this title had not been enacted.

(b) On and after the effective date of this title, an annuity which became payable under section 376 of title 28, United States Code, prior to the effective date of this title shall be (1) increased by X percent, and (2) thereafter be adjusted and paid in accordance with section 8340 of title 5, United States Code, applying the same base month and price index change used to adjust annuities of civil service employees under section 8340 (b) of title 5, United States Code.

(c) On and after the effective date of this title, any annuity or refund payable out of the judicial survivors annuity fund shall be paid out of the Civil Service Retirement and Disability Fund.

(d) Notwithstanding section 8348(g) of title 5, United States Code, benefits resulting from the enactment of this title shall be paid from the Civil Service Retirement and Disability Fund.

WAIVER BY JUSTICES

SEC. 304. Section 375 of title 28, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) If a justice of the United States gives notice in writing to the Director of the Administrative Office of the United States Courts of his desire to become subject to section 8349 of title 5, the widow of such justice shall be ineligible to receive an annuity under this section.".

REPEALER

SEC. 305. Section 376 of title 28, United States Code, is hereby repealed.

EFFECTIVE DATE

SEC. 306. This title shall become effective on the first day of the third month following the date of enactment of this Act.

TITLE IV—JUDICIAL CONFLICTS OF INTEREST

SEC. 401. (a) Chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new sections:

"§ 390. Conflicts of interest

"(a) The conduct of a judge of the United States who participates in the adjudication, of any motion, petition, claim, controversy, charge, accusation, arrest or other particular matter in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest, is inconsistent with the good behavior required by Article III of the Constitution and shall be grounds for removal from office under sections 378 and 379 of this title.

"(b) The preceding subsection shall not apply if the judge first advises the chief judge of the court on which he serves, or if he is the chief judge of a district court, the chief judge of the circuit court in which his district is located, or if he is a chief judge of a circuit court or the chief judge of the Court of Claims, Court of Customs and Patent Appeals, or Customs Court, the Chief Justice, of the nature and circumstances of the proceeding or other particular matter in which he is to participate by virtue of his office and makes full disclosure of the financial interest and receives in advance a written determination by such chief judge or Chief Justice that the interest is not of such a nature as will affect the integrity of any ruling by such judge.

"§ 391. Financial statements

"(a) Pursuant to such rules as the Judicial Conference of the United States shall promulgate, each judge of the United States shall, at least annually, file a report and disclose to the chief judge of the court on which he serves, or if he is the chief judge of a district court, to the chief judge of the circuit court in which his district is located, or if he is a chief judge of a circuit court or the chief judge of the Court of Claims, Court of Customs and Patent Appeals, or Customs Court, to the Chief Justice, the names, addresses of all corporations, associations, foundations, trusts, and other entities, whether nonprofit or organized for profit, in which, to his knowledge, he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, has an interest and the fair market value of such interest. He shall keep such report current by filing with the appropriate chief judge or the Chief Justice such supplementary reports as the Conference shall by rule require.

"(b) The failure to file a report required by this section, or the filing of a fraudulent report, shall constitute conduct inconsistent with the good behavior required by Article III of the Constitution and shall be grounds for removal from office under sections 378 and 379 of this title.

"(b) The analysis of chapter 17 of title 28, United States Code, is amended by adding at the end thereof the following new items:

"390. Conflicts of interest.
"391. Financial statements."

SEC. 402. (a) The heading of chapter 17 of title 28, United States Code, immediately preceding section 371 of such title, is amended to read as follows:

"CHAPTER 17—RETIREMENT, RESIGNATION, AND REMOVAL OF JUDGES"

(b) The table of contents of Part I of title 28, United States Code, immediately preceding the analysis of chapter 1 of such title, is amended by striking out

"17. Resignation and retirement of judges ..... 371"

and inserting in lieu thereof the following new chapter heading:

"17. Retirement, Resignation, and Removal of Judges ..... 371".

TITLE V—MISCELLANEOUS

SELECTION OF CIRCUIT CHIEF JUDGES

SEC. 501. (a) Section 45(a) of title 28, United States Code, is amended to read as follows:

"(a) (1) Except as otherwise provided by law, the chief judge of each circuit shall be elected from among the circuit judges of the circuit in regular active service who have served as circuit judges for more than one year. The election shall be by secret written ballot of the circuit judges in regular active service. A majority of the ballots cast shall be required for the election of a chief judge.

"(2) A chief judge so elected shall serve as such for a term of six years, and shall continue to so serve thereafter until his successor is chosen and assumes the duties of chief judge, except that no circuit judge so elected shall serve as chief judge after the date on which he is relieved of his duties under subsection (c) of this section, he has completed two terms as chief judge, or he attains the age of sixty-five years, whichever event occurs earliest.

"(3) The circuit judges of each circuit in regular active service shall prescribe procedures for their circuit to carry out the provisions of this subsection.".

(b) Section 45(c) of such title is amended by striking out all after the word "thereafter" and inserting in lieu thereof the following: "a new chief judge shall be elected and serve in accordance with subsection (a) of this section.".

(c) A chief judge of a judicial circuit of the United States serving in that capacity on the date of enactment of this Act shall continue to serve as chief judge as long as he is a circuit judge in regular active service and is under seventy years of age.

SELECTION OF DISTRICT COURT CHIEF JUDGES

SEC. 502. (a) Section 136(a) of title 28, United States Code, is amended to read as follows:

"(a)(1) Except as otherwise provided by law, in each district having more than two judges in regular active service, the chief judge of each such district shall be elected from among the district judges of the district in regular active service who have served as district judges for more than one year. The election shall be by secret written ballot of the district judges in regular active service. A majority of the ballots cast shall be required for the election of a chief judge. A chief judge so elected shall serve as such for a term of six years, and shall continue in office until his successor is chosen and assumes the duties of the office, except that no district judge so elected shall serve as chief judge after the date on which he is relieved of his duties under subsection (d) of this section, he has completed two terms of chief judge, or he attains the age of sixty-five, whichever event occurs earliest.

"(2) In each district having two district judges in regular active service, the chief judge shall be the district judge in regular active service senior in commission, and under sixty-five years of age, but if both judges are sixty-five years or older, then the judge senior in commission shall be chief judge.

"(3) The district judges of each district in regular active service shall prescribe procedures for their district to carry out the provisions of this subsection.".

(b) Section 136(d) of title 28, United States Code, is amended by striking out all after the word "thereafter" and inserting in lieu thereof the following: "a new chief judge shall be elected and serve in accordance with subsection (a) of this section.".

(c) A chief judge of a district court of the United States serving in that capacity on the date of enactment of this Act shall continue to serve as chief judge as long as he is a district judge in regular active service and is under seventy years of age.

JUDICIAL CONFERENCE OF THE UNITED STATES

SEC. 503. (a) The second full paragraph of section 331 of title 28, United States Code, is amended to read as follows:

"The district judge to be summoned from each judicial circuit shall be chosen by the district judges of the circuit at the annual judicial conference of the circuit held pursuant to section 333 of this title and shall serve as a member of the conference for three successive years.".

(b) The first sentence of the third full paragraph of such section is amended by inserting the word "district" before the word "judges".

(c) A district judge serving as a member of the Judicial Conference of the United States on the date of enactment of this Act shall continue to serve on such Conference until the expiration of his present term of membership.

JUDICIAL COUNCILS

SEC. 504. (a) Section 332 of title 28, United States Code, is amended to read as follows:

"§ 332. Judicial councils

"(a) The chief judge of each circuit shall call, at least twice in each year and at such places as he may designate, a council of the judges specified in this section. The judges of the council, unless excused by the chief judge of the circuit, shall attend all sessions of the council.

"(b) The chief judge of the circuit shall preside at each session of the council. In his absence the chief judge of a district who is senior in commission to the other chief judges participating as members of the council shall preside. To each meeting of the council the chief judge of the circuit shall summon an equal number of circuit and district judges in regular active service. The total number of judges summoned shall be computed by multiplying the number of circuit judges authorized for each circuit under section 44 of this title by two, but in no event shall the total number of judges summoned exceed eight, not including the chief judge of the circuit.

"(c) The circuit judges shall be summoned in the order of the seniority of their circuit court commissions. The district judges summoned shall be those chief judges elected to membership on the council by a majority vote of the chief judges of the districts within the circuit under procedures prescribed by the chief judge of the circuit, except that in the District of Columbia Circuit the district judges summoned shall be the chief judge of the District Court for the District of Columbia and the appropriate number of district judges in regular active service, summoned in order of the dates of their commissions. Whenever a district judge member shall cease to be chief judge, his membership on the council shall cease, and within sixty days thereafter, the chief judges of all of the districts within the circuit shall select a chief judge to replace him on the council.".

(b) Within sixty days after the date of the enactment of the Judicial Reform Act, or within thirty days preceding the convening of the next-scheduled meeting of the council of a circuit, whichever is sooner, the chief judges of all of the districts within each circuit shall select the district judge members of the circuit council under procedures prescribed by the chief judge of the circuit.

The outline of the bill, presented by Mr. TYDINGS, is as follows:

OUTLINE—THE JUDICIAL REFORM ACT, S. 3055 (Introduced February 28, 1968 by Senator Tydings)

CONTENTS OF THE BILL

Title I: Commission on Judicial Disabilities and Tenure.

Title II: Retirement of Judges.

Title III: Judicial Survivor Annuities.

Title IV: Judicial Conflicts of Interest.

Title V: Miscellaneous Provisions: Judicial Council, Conference Membership; Selection of Chief Judges.

TITLE I—COMMISSION ON JUDICIAL DISABILITIES AND TENURE

A. The Commission

Nature: Establishment "within the Judicial Branch"; national, rather than regional

Composition: 5 *judges* of the United States (no Justices; no Judicial Conference Members); 2 District Judges, 2 Circuit Judges required.

Selection: Assignment by Chief Justice; Chairman designated by Chief Justice.

Tenure: 4 years, except originally (2, 2, 3, 4, 4).

Compensation: No salary; actual and necessary expenses.

General Powers: Conduct inquiries and other proceedings to determine.

1. Good behavior of a judge.—recommendation of removal to be reviewed by Judicial Conference, also reviewable by Supreme Court.

2. Physical or mental condition of a judge—retirement determination not reviewable.

3. Claim of a retired judge that he is not receiving cases despite his ability and willingness—determination of claim not reviewable.

Action: Requires concurrence of three members in every instance except recommendation of removal, which requires concurrence of four members.

Disqualification: No member of Commission or Conference may sit on case (removal, disability, or claim) involving a judge of his own court. Chief Justice appoints *ad hoc* member of Commission upon disqualification of a member under this provision.

Confidentiality: Unless subject judge opts otherwise, records of Commission or Conference proceedings to be confidential. Petition for certiorari in removal cases effects *pro tanto* release of record.

B. Removal proceedings

Initiation of Inquiry: "Upon complaint or report of any person." No *sua sponte* investigations.

Preliminary Investigation: Commission personnel "follow up" on complaints or reports.

Initial Determination: i.e., proceed or dismiss for insufficiency, frivolity, etc. (even a dismissal gives the Commission the opportunity to give the subject judge an informal non-statutory "warning".)

Hearings: Commission determination to proceed means full scale hearings on conduct of judge.—Subject judge to receive notice of hearing, has right to attend, have counsel, offer evidence, cross-examine, etc.; rules of evidence to be established by Conference.

Findings of Fact, Report and Recommendation:

Finding that judge's conduct not inconsistent with Article III good behavior requirement—Subject judge and complainant are notified. Matter ends here. Judge may "release" record to public.

Finding that judge's conduct *is or has been* inconsistent with Article III good behavior requirement.—Subject judge so notified. Commission so reports to Conference, recommending removal of judge. Commission has power to make order concerning business pending before subject judge.

Conference Review of Commission record and findings, may be undertaken by a committee of the Conference.

Additional Appropriate Action by Conference or committee, including additional hearings, briefs, etc. Subject judge has same rights as he had at Commission level.

Conference Determination:

Reject Commission recommendation—find judge's conduct not inconsistent with "good behavior". Matter ends here. Judge may release record to public.

Accept Commission recommendations—prepare certification of judge's "bad conduct" to President, but stay its issue pending Supreme Court proceedings.

Supreme Court Review of Conference decision to certify judge for removal. Optional.

Presidential Action: Commission's stay of certification lapses when time to file *certiorari* petition has run or when petition is otherwise disposed of. Upon receipt of certification by President, judge is removed. President to "forthwith" appoint successor (with advice and consent of Senate).

C. Disability proceedings

Initiation of Inquiry: Judicial Council or Chief Judge certifies to Commission of disability of a judge. (28 U.S.C. § 372(b))

Preliminary Investigation: As in removal, above.

Initial Determination: As in removal, above.

Hearing: As in removal, above.

Determination: Two questions to answer, "Is judge suffering from a physical or mental disability seriously interfering with the performance by him of one or more of his critical duties?" (Habitual intemperance is made such a disability by the statute.) "Is such disability now, or is it likely to become, permanent in nature?"

If Commission answers either or both questions *"No,"* judge and council are notified; judge remains in "regular active service."

If Commission answers both questions *"Yes,"* judge is retired; retains office but leaves "regular active service" status; retains salary of the office for life; is entitled to be assigned such cases as he is "willing and able to undertake." Proceedings end here—

no review. President to "forthwith" appoint another "regular active service" judge to the appropriate court (with advice and consent of Senate).

D. "Claim of a judge" proceedings

Initiation of Inquiry: Claim by a retired judge that he is not being assigned to such business of the court as he is willing and able to undertake. (N.B. Bill gives him a kind of "right" to such assignments.)

Proceedings: At the discretion of the Commission.

Determination: After such investigation as it deems adequate Commission may find:

Judge's claim substantiated.—Commission may enter appropriate order to assignment authority of his court. Case ends here—no review.

Judge's claim not substantiated. Case ends here—no review.

E. General policy provisions

Papers and testimony before Commission or Conference *privileged.*

All proceedings of Commission or Conference are to be confidential, but subject judge may request disclosure to public. His petition for *certiorari* to the Supreme Court in removal matter will effect *pro tanto* disclosure of papers, records, etc., necessary to consideration of his application.

No Commission or Conference member to participate in determination by such body of his own or his court-brother's case or claim.

F. Powers of Commission and Conference

Each has powers of court generally.

Each may compel testimony, grant immunity, etc.

Each may issue orders etc., has contempt power.

Commission to employ permanent staff, may also hire temporary assistants, counsel, etc.

Conference may hire temporary assistants, counsel, etc.

TITLE II—RETIREMENT OF JUDGES

A. Retirement for age

Judge may retire at 65 after ten years of service.

B. Disability retirement

Judge may *voluntarily* retire at any age and after any period of service when permanently disabled from performing one or more of his critical judicial duties.

Judge may be *involuntarily* retired by action of Commission (see above).

Retired judges given "right" to assignments they are willing and able to undertake.

Office and Salary of a voluntarily *or* involuntarily retired judge preserved for life.

TITLE III—JUDICIAL SURVIVORSHIP ANNUITIES

Revision of existing code provisions

To bring survivorship benefits available to widows and dependent children of deceased judges up to those available to survivors of Members of Congress;

To avoid impending bankruptcy of present judicial survivor's fund.

To relocate judicial survivorship within title 5, but preserve administration of funds to the Judiciary.

TITLE IV—JUDICIAL CONFLICTS OF INTEREST

A. Reporting and disclosure

Each judge of the United States to file, at least annually, *a statement of his financial and other specified interests.* Participation by judge in a judicial proceeding or in a decision affecting such interest is "willful misconduct in office "making him liable to removal, unless he gets approval of appropriate authority (ruling of "no substantial interest") before he participates.

Willful failure to file or fraudulent filing is "willful misconduct in office"—makes judge liable to removal.

Judicial Conference to make rules for administration of conflict of interest provisions.

TITLE V—MISCELLANEOUS PROVISIONS

A. Selection of chief judge

Circuit—Election *by* circuit judges in regular active service *from* among those circuit judges in regular active service more than one year. Secret ballot. Simple majority of votes cast.

District—Two Judge Districts—Chief is one who is senior in commission, under 65 and in regular active service. If both over 65—chief judge is one senior in commission.

Three or More Judge District—as in circuit above, substitute "district" for "circuit".

Tenure of Chief Judge: Six years but not past age 65, etc. except two-judge district; Two term limit.

Grandfather Clause—No chief judge presently serving is affected by this title.

B. Reform of Judicial Conference membership

District Judge who represents each circuit at Judicial Conference of U.S. to be elected by district judges only.

Term: Three years.

C. Reform of Judicial Council membership

Each council to be composed of equal numbers, circuit and district judges two times the number of circuit judgeships authorized—but *not more than total of 8*—not including circuit chief judge.

Circuit Judges summoned in order of seniority of circuit judgeship commission.

District Judges summoned to be elected by district chief judges from circuit from among themselves (except D.C.)

RURAL HOUSING

Mr. SPARKMAN. Mr. President, the recent excellent message by the President calling attention to the deplorable condition of housing, so far as the poor are concerned, in our cities is worthy of the full attention of every Member of the Senate.

Equally worthy is an examination of the housing conditions that exist in rural areas.

One-half of the substandard housing in the Nation exists in rural America.

More than a million rural families live in homes that are in such poor condition the very surroundings threaten the health of the occupants.

One out of three rural homes do not have complete bathroom facilities.

One out of five do not have running water in the house.

I take great pleasure in the fact that I played a significant role in the establishment of a program to improve rural housing in 1949.

I have watched that program grow through the years and have sponsored measures to improve and strengthen its effectiveness.

The record to date I believe is remarkable.

Approximately 250,000 rural homes have been built or repaired with loans advanced by the Farmers Home Administration.

Senior citizens have received help in obtaining housing adapted to their special needs.

Decent housing has been provided for migrant farmworkers.

Rental housing projects have been established in rural areas.

A special program for low-income families has been developed enabling families to provide most of the labor in building their own homes and thus drastically cutting the cost.

In addition low-income families have been enabled to obtain loan funds for basic repairs on most lenient terms. When families lack the capacity to repay the funds they need to borrow provision has been made to enable relatives who are in a stronger financial position to cosign the notes.

We have made a host of improvements in this program in the past 7 years.

We have expanded it to include all people living in rural areas.

We have brought private funds into the program on an insured basis.

We have so enlarged the scope and size of the rural housing program that the loans made in the past 3 years equaled in volume all of those made in the preceding 15 years.

But what has been done to date is only the beginning of what must be done.

I am sure that the Senate in considering what needs to be done in expanding housing assistance in urban areas will give equal consideration to the problem in the countryside.

The repayment record that has been established by the Farmers Home Administration is outstanding.

Losses are less than two one-hundredths of 1 percent of the amount loaned.

I would like to point out that we have, in the Farmers Home Administration, an organization that is ideal so far as the promulgation of a rural housing program, or for that matter any other type of rural development program is concerned.

We have an organization that has some 1,600 field offices that serve every rural county.

These offices are staffed by people who understand rural problems, who know how to get action in their communities.

These people handle the administrative expense of the rural housing program with an absolute minimum outlay of cash.

For the field offices of the Farmers Home Administration are not just rural housing offices. The people that handle the rural housing program also make loans for farm operating expenses, for the purchase of farmland, for the development of small rural businesses, for rural water and waste disposal systems, for soil and water conservation, and for many other purposes.

We are certain that the administration shares our evaluation of this situation.

We will look at the proposed legislation with that thought in mind.

The Congress has before it the tremendously difficult problem of providing adequate housing for all of our citizens.

I propose that the Congress would be a little less candid than it should be if it overlooks the rural aspects of the problem.

I have been pleased to note the progress that has been made to date through the Farmers Home Administration in improving rural housing conditions in my own State.

More than 9,000 families, an estimated 40,000 rural people, now live in modern homes in Alabama because of this fine housing program.

Only five States, all with more rural population, have exceeded Alabama in improving rural housing.

Recognizing their progress, I also pay tribute to Georgia, Mississipi, North Carolina, Tennessee, and Texas.

I hope that the Senate will recognize the importance of the rural aspects of the housing program as it works to perfect the housing program in the months ahead.

There is a direct relationship between the improvement of rural housing and the flow of rural people into the cities.

If rural people can obtain decent housing in rural communities, they will be far more inclined to stay in the countryside.

What young couple wants to move into a rural shack when the lure of the split-level in an urban suburb dangles before them?

What poor rural family wants to face another winter with the wind and rain beating into their hovel when they have hope—usually ill founded, but nevertheless real—that in the city they will be warm and dry?

I know that what we have been able to do so far with the rural housing program has helped a million people sink permanent roots in rural America.

We can do more, much more. And I am confident we will.

Mr. President, I ask unanimous consent that a table indicating the growth of the rural housing program in each State, be inserted at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FARMERS HOME ADMINISTRATION—DIRECT AND INSURED RURAL HOUSING LOANS FOR FISCAL YEARS 1961 AND 1967, COMPARED AND CUMULATIVE THROUGH JUNE 30, 1967

State	1961 fiscal year				1967 fiscal year				Cumulative through June 30, 1967			
	Number			Total amount	Number			Total amount	Number			Total amount
	Initial	Subsequent	Total		Initial	Subsequent	Total		Initial	Subsequent	Total	
	(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
U.S. total	8,025	728	8,753	$68,940,596	46,879	1,558	48,537	$430,132,769	183,204	8,021	191,225	$1,548,356,120
Alabama	650	54	704	5,693,969	1,452	48	1,500	13,697,270	8,844	304	9,148	75,488,723
Alaska	6	1	7	79,600	151	7	158	2,276,809	431	34	465	6,725,786
Arizona	15	1	16	222,044	239	2	241	2,433,714	762	6	768	7,326,763
Arkansas	408	52	460	2,619,409	2,547	145	2,692	19,342,726	10,039	531	10,570	66,817,981
California	83	8	91	1,007,181	489	6	495	5,356,310	2,040	87	2,127	20,538,993
Colorado	39	3	42	341,687	379	9	388	3,426,860	1,512	91	1,603	13,784,369
Connecticut	5	1	6	37,208	134	5	139	1,885,900	245	17	262	2,894,307
Delaware	9	0	9	56,000	27	1	28	333,468	127	2	129	1,384,698
Florida	251	22	273	2,448,401	780	16	796	6,838,396	4,678	184	4,862	41,722,506
Georgia	455	54	509	3,537,353	1,639	43	1,682	16,245,622	9,054	386	9,440	78,439,741
Hawaii	29	6	35	396,220	196	0	196	2,799,750	893	36	929	10,746,163
Idaho	83	13	96	836,955	501	11	512	5,930,201	2,044	98	2,142	21,430,982
Illinois	70	6	76	599,926	1,371	22	1,393	12,883,740	3,036	98	3,134	27,056,215
Indiana	90	9	99	757,596	1,103	12	1,115	10,321,977	2,639	75	2,714	24,293,546
Iowa	149	7	156	1,409,863	1,054	20	1,074	10,439,779	3,506	110	3,616	32,198,728
Kansas	141	8	149	1,070,330	700	14	714	5,939,489	2,778	116	2,894	22,998,274
Kentucky	189	17	206	1,624,400	1,493	72	1,565	14,192,965	5,457	269	5,726	48,321,541
Louisiana	166	7	173	1,478,296	1,191	23	1,214	10,632,787	4,591	133	4,724	37,683,644
Maine	142	40	182	1,504,071	1,158	100	1,258	9,097,848	3,974	562	4,536	26,691,979
Maryland	48	11	59	594,347	222	5	227	2,754,498	1,038	43	1,081	11,173,940
Massachusetts	8	2	10	57,748	54	2	56	527,220	181	12	193	1,508,964
Michigan	178	17	195	1,786,029	558	16	574	5,954,777	2,854	176	3,030	27,145,881
Minnesota	162	10	172	1,187,791	916	54	970	8,225,189	3,705	170	3,875	29,384,428
Mississippi	656	41	697	4,570,816	3,871	163	4,034	32,402,974	14,962	595	15,557	110,148,493
Missouri	365	47	412	2,731,901	2,323	102	2,425	18,328,693	9,757	489	10,246	69,288,227
Montana	119	5	124	1,152,873	155	5	160	1,597,519	1,371	71	1,442	12,874,789
Nebraska	56	4	60	421,520	599	6	605	4,906,094	1,977	46	2,023	15,220,432
Nevada	4	0	4	47,756	24	0	24	323,231	121	4	125	1,296,024
New Hampshire	4	3	7	40,970	176	11	187	1,891,556	487	27	514	4,582,649
New Jersey	24	3	27	215,428	1,014	39	1,053	11,875,549	2,193	100	2,293	22,964,390
New Mexico	42	1	43	396,276	332	14	346	2,092,066	1,586	66	1,652	10,814,272
New York	73	7	80	650,260	1,346	22	1,368	14,456,596	2,848	84	2,932	28,801,177
North Carolina	400	35	435	3,763,506	2,886	66	2,952	27,748,587	10,611	298	10,909	98,160,597
North Dakota	185	9	194	1,879,117	675	29	704	6,599,487	2,947	108	3,055	29,248,868
Ohio	72	9	81	630,081	572	23	595	6,143,170	1,818	106	1,924	16,917,630
Oklahoma	336	18	354	2,716,911	1,214	35	1,249	10,661,761	5,882	222	6,104	47,779,165
Oregon	76	16	92	688,270	295	20	315	3,262,194	1,375	110	1,485	13,018,682
Pennsylvania	135	27	162	1,112,429	640	24	664	7,246,630	2,306	175	2,481	21,664,044
Rhode Island	1	0	1	5,101	27	0	27	334,910	53	2	55	516,351
South Carolina	317	22	339	2,990,253	1,241	36	1,277	11,286,795	5,888	199	6,087	52,250,347
South Dakota	109	15	124	971,819	483	33	516	4,027,561	2,329	216	4,545	18,582,854
Tennessee	511	33	544	4,563,530	2,127	56	2,183	17,310,989	9,570	327	9,897	77,047,382
Texas	305	13	318	2,650,161	3,619	76	3,695	27,058,727	11,352	251	11,603	90,041,298
Utah	115	10	125	1,317,364	324	10	334	3,522,252	1,920	111	2,031	20,379,291
Vermont	19	1	20	188,520	417	21	428	4,454,270	681	39	720	6,554,389
Virginia	101	7	108	919,621	1,157	17	1,174	12,707,012	3,534	121	3,655	34,905,364
Washington	124	11	135	1,224,346	294	19	313	3,708,665	1,799	173	1,972	19,081,924
West Virginia	90	9	99	714,681	777	15	792	6,654,670	2,938	111	3,049	25,490,013
Wisconsin	233	23	256	1,962,013	1,137	65	1,202	11,402,624	3,997	324	4,321	34,641,370
Wyoming	22	1	23	217,480	139	9	148	1,638,382	896	57	953	8,848,878
Puerto Rico	154	9	163	843,969	618	9	627	4,302,050	3,373	48	3,421	18,782,665
Virgin Islands	1	0	1	6,200	43	0	43	650,460	205	1	206	2,696,277

SUPPLEMENTAL APPROPRIATIONS—ADDITIONAL COSPONSORS

Mr. BYRD of West Virginia. Mr. President, before suggesting the absence of a quorum, which I expect to be a live quorum, I ask unanimous consent, on behalf of the senior Senator from Texas [Mr. YARBOROUGH], that the names of the senior Senator and the junior Senator from Minnesota [Mr. MCCARTHY and Mr. MONDALE], respectively, be added as cosponsors of S. 3013, a bill to provide supplemental appropriations to carry out the summer program.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum. It will be a live quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 11 Leg.]

Aiken	Boggs	Case
Allott	Brewster	Clark
Anderson	Brooke	Cooper
Baker	Burdick	Cotton
Bartlett	Byrd, Va.	Curtis
Bayh	Byrd, W. Va.	Dirksen
Bennett	Cannon	Dodd
Bible	Carlson	Dominick
Eastland	Jordan, Idaho	Percy
Ellender	Kennedy, Mass.	Prouty
Ervin	Kennedy, N.Y.	Proxmire
Fannin	Lausche	Randolph
Fong	Long, La.	Ribicoff
Fulbright	Magnuson	Russell
Gore	McCarthy	Scott
Griffin	McClellan	Smith
Gruening	McGee	Sparkman
Hansen	McGovern	Spong
Harris	McIntyre	Stennis
Hart	Metcalf	Symington
Hatfield	Miller	Talmadge
Hayden	Mondale	Thurmond
Hill	Montoya	Tower
Holland	Morse	Tydings
Hollings	Morton	Williams, N.J.
Hruska	Moss	Williams, Del.
Inouye	Mundt	Yarborough
Jackson	Murphy	Young, N. Dak.
Javits	Nelson	Young, Ohio
Jordan, N.C.	Pell	

Mr. BYRD of West Virginia. I announce that the Senator from Indiana [Mr. HARTKE], the Senator from Missouri [Mr. LONG], the Senator from Montana [Mr. MANSFIELD], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Maine [Mr. MUSKIE] are absent on official business.

I also announce that the Senator from Idaho [Mr. CHURCH], the Senator from Florida [Mr. SMATHERS], and the Senator from Rhode Island [Mr. PASTORE] are necessarily absent.

Mr. DIRKSEN. I announce that the Senator from Iowa [Mr. HICKENLOOPER] is absent on official business.

The Senator from California [Mr. KUCHEL] and the Senator from Kansas [Mr. PEARSON] are necessarily absent.

The PRESIDING OFFICER (Mr. Kennedy of New York in the chair). A quorum is present.

INTERFERENCE WITH CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, I move that during the disposition of the tabling motion which is about to be made, the Sergeant at Arms be directed to clear the floor of all staff personnel except the staffs of the Secretary of the Senate, the Sergeant at Arms, the secretary for the majority, the secretary for the minority, and the two policy committees.

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Minnesota is recognized.

Mr. MONDALE. Mr. President, with the concurrence of my coauthor, the Senator from Massachusetts [Mr. BROOKE], I shall shortly move——

Mr. HART. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. The Senator from Minnesota.

Mr. MONDALE. Mr. President, with the concurrence of my coauthor, the Senator from Massachusetts [Mr. BROOKE], I shall shortly move to table our amendment No. 524, the pending fair housing amendment.

Following what I assume will be an affirmative vote on the motion to table, the distinguished senior Senator from Illinois [Mr. DIRKSEN] will offer an alternative fair housing amendment, which I am pleased to support and which I hope will be agreed to by the Senate. Senator Dirksen will undoubtedly explain his amendment; I state simply that I believe his proposal constitutes a very important step forward in the cause of human brotherhood.

(The VICE PRESIDENT assumed the chair at this point.)

Mr. MONDALE. The amendment of which the Senator from Massachusetts and I are coauthors would, within 2 years, cover 59.6 million units of housing in this country, exempting only 5.5 million units under the so-called Mrs. Murphy exemption. While the figures with which we are dealing are difficult to arrive at, and should be taken only as approximations, it is essentially correct to say that the proposal shortly to be offered by the Senator from Illinois will cover, when its terms are fully operative, 52.6 million of the housing units of this country, or approximately 80 percent of all the housing in the Nation. Thus the essential difference between the Mondale-Brooke amendment and the amendment about to be introduced by the Senator from Illinois is the coverage of approximately 7 million additional units, or 11.2 percent of the housing.

Mr. President, I believe that we are on the verge of a tremendous breakthrough in the field of civil rights legislation—a breakthrough which will move us far toward a solution of one of our greatest urban problems—the fair provision of housing. Even though the Dirksen proposal is a strong amendment—far stronger than we believed possible of passage even a few weeks ago—we still hope eventually to see passed a measure which will cover all housing in this country.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. MONDALE. I am delighted to yield to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, I am pleased to join the distinguished Senator from Minnesota in the effort to table the original Mondale-Brooke amendment on fair housing. We take this action in the spirit of constructive compromise, the spirit which has animated the Senate in its greatest moments.

We now believe that alternative legislation will be offered by the able and enlightened minority leader. The lengthy and arduous deliberations which have produced the new legislation are an appropriate measure of its importance to the Members of this body and the people of this country.

Only a man of the stamina and insight of the Senator from Illinois could have carried such difficult discussions to a successful conclusion.

We believe the results are well worth the effort. The legislation to be proposed by the minority leader will be a historic program for America, responsive to the compelling needs of our time.

Like every compromise that deserves the word, the new proposal represents concessions by many interested parties. For my part, I must say that the original bill was preferable in several respects. But I have no doubt that the action we now propose will pave the way to one of the most significant civil rights laws yet enacted.

I commend my colleagues in this endeavor for their steadfast labors in a worthy cause. They have served well the goal of equal opportunity for all Americans. The hours, days, and weeks which have brought us to this moment have been well spent.

I am no less proud of the outstanding performance of the many Members on both sides of the aisle who have sacrificed their schedules to the urgent business before the Senate. They have come here and they have voted, and their votes have provided the sturdy basis for the solid compromise we now hope the Senate will accept. I am grateful to them all and ask them to join with us in tabling the earlier proposal and passing the effective measure soon to be offered by the distinguished minority leader.

I thank the Senator from Minnesota.

Mr. MONDALE. Mr. President, I ask unanimous consent to have printed in the RECORD two tables which I have prepared showing the comparative effects of the Dirksen amendment and the Mondale-Brooke amendment.

There being no objection, the tables were ordered to be printed in the RECORD as follows:

DIRKSEN AMENDMENT

	Percent of all housing units	Number of all housing units (millions)
Covered under compromise:		
Stage 1: Federally assisted housing	6.0	3.8
Stage 2: Multiunit housing	18.0	11.8
2-, 3-, and 4-unit nonowner-occupied housing (Dec. 31, 1968)	11.8	8.0
Stage 3: Single-family, owner-occupied sales through real estate broker, (Jan. 1, 1970)	44.5	29.0
Total	80.3	52.6
Exempted under compromise:		
Mrs. Murphy	8.5	5.5
Single-family units sold by owner-occupant	11.2	7.0
Total	19.7	12.5
Grand total	100.0	65.1

Note: Caveat—This figure is based on a computation assuming that 56 percent of the housing in the United States in 1969 will be single-family units. It also assumes that 80 percent of the single-family dwellings will be sold with the assistance of a real estate broker. It is estimated that approximately 3 percent of the single-family units change ownership in a given year.

MONDALE-BROOKE AMENDMENT

	Percent of all housing units	Number of all housing units (millions)
Covered under Mondale-Brooke amendment:		
Stage 1: Federally assisted housing	6.0	3.8
Stage 2:		
Multiunit housing	18.0	11.8
2-, 3-, and 4-unit nonowner-occupied housing	11.8	8.0
Stage 3: Single-family, owner-occupied dwellings	56.0	36.0
Total		59.6
Exempted: Mrs. Murphy	8.5	5.5
Total	100.0	65.1

Note: Difference between 2 versions: Mondale-Brooke amendment covers 7,000,000 additional units, 11.2 percent of the housing.

Mr. MONDALE. I am happy to yield now to the Senator from New York.

Mr. JAVITS. Mr. President, just so that the Senate may be informed and so that we do not have any slips at the last minute, I think it is fair to say that I shall vote for the tabling motion. It is well to note that it is not as strong a fair housing measure as we would like to get. However, in my judgment, this is the extent of the legislative achievement possible within the framework of the times and the legislative situation we face in the Senate.

I have been a party to it, and I am proud to have been. I think it is an ex-

cellent beginning to what we are seeking to effect.

The Senator from Michigan [Mr. HART] and I will be in the odd position of voting to table the measure that we dearly want to get enacted into law.

I feel that this fact must be made known to our colleagues and to the whole world. However, this is the way that it must be done. We will shed a little blood this afternoon and get it done. I think it is important that the Senate understand this insofar as the pending motion is concerned.

Mr. HART. Mr. President, will the Senator yield?

Mr. MONDALE. Mr. President, I yield to the Senator from Michigan.

The VICE PRESIDENT. The Senator from Michigan is recognized.

Mr. HART. Mr. President, the able Senator from New York has expressed the emotions which I entertain at the moment. Indeed, I shall vote—and hope that the Senate overwhelmingly votes—to table the motion.

The hard fact is that if every man were a king, we would have 100 variations of the pending bill. My arithmetic is not correct. We would have about 78 or 80 variations of the bill.

One of the facts of life is that we have abandoned the theory of divine right. I wish that we would operate more on the basis of majority decision. However, we are guided by rule XXII.

Thanks to the leadership of the able majority and minority leaders in this effort, I anticipate the opportunity very quickly to enact a piece of legislation that in the test of history will obtain very high grades. And I thank all who have cooperated in that effort.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MONDALE. Mr. President, I yield to the Senator from Pennsylvania.

The VICE PRESIDENT. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, the measure which is about to be introduced will mark a very substantial advance and a considerable landmark in the long struggle for civil rights and for recognition of the dignity and decency of all of our citizens.

We, in my judgment, have gotten as much as could be gotten, and a good deal more than some expected.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. MONDALE. Mr. President, I am delighted to yield to the able junior Senator from Illinois.

The VICE PRESIDENT. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, I pay particular tribute to the manager of the bill, the able Senator from Michigan [Mr. HART], the Senator from Minnesota [Mr. MONDALE], who has worked valiantly for a cause in which he believes, to the distinguished junior Senator from Massachusetts [Mr. BROOKE], and to the able senior Senator from New York [Mr. JAVITS] for their outstanding service in this great cause.

Particularly, I pay tribute to my own senior colleague, the Senator from Illinois [Mr. DIRKSEN] who has once again proven that with great courage and great skill he can fight for what he truly believes in, regardless of whether he will receive criticism for such action.

I, for one, believe that what we shall do is eminently right for this country. It is urgently needed and necessary.

I commend the distinguished minority leader for his great leadership.

Mr. MONDALE. Mr. President, on behalf of the Senator from Massachusetts [Mr. BROOKE] and myself, I now move to table the pending amendment No. 524.

The VICE PRESIDENT. Will the Senator send his motion to the desk?

The clerk will report the motion.

The assistant legislative clerk read as follows:

The Senator from Minnesota (Mr. MONDALE): Mr. President, on behalf of the Senator from Massachusetts [Mr. BROOKE] and myself, I move to table the pending amendment No. 524.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. RUSSELL. Mr. President, I understood the Senator to make a motion. I have been here a long time, but I have never heard a Senator make a motion to table and then have the motion submitted in writing.

Is that a matter of choice or preference, or just a question of procedure in the Senate?

The VICE PRESIDENT. If anyone asks that a motion be reduced to writing, then it must be done. And, for the purposes of clarification here today, the Chair is of the opinion that the motion of the Senator from Minnesota should be read by the clerk so that there can be no question concerning what this business is about.

Mr. RUSSELL. Mr. President, in view of the momentous nature of the question, I have no objection.

The VICE PRESIDENT. I am sure the Senator agrees.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ERVIN. Mr. President, if the Mondale amendment is tabled, and thereafter cloture is obtained upon the bill, would the Mondale amendment still be pending before the Senate after cloture, and could it be adopted?

The VICE PRESIDENT. Will the Senator restate his question?

Mr. ERVIN. Mr. President, if the Mondale amendment is tabled and thereafter cloture is voted, could the Mondale amendment be called up and agreed to after cloture?

The VICE PRESIDENT. No. The document that is the guide to the Senate, known as Senate Procedure written by the late and beloved Parliamentarian Charles Watkins and our present Parliamentarian Dr. Riddick, informs the Chair and the Senate on Senate procedure related to an amendment that may have been tabled or defeated. An amendment which has been rejected cannot be re-offered in an identical form, nor is an amendment proposing provisions which are the same in substance and effect as the one previously offered in order.

If there is, however, substantial change written into the provisions, a change to provide, for example, a substantial change of amounts or figures then going through the appropriate procedures it could be offered—not reoffered, but offered.

Mr. ERVIN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. ERVIN. In the event of a change, would a change not have to be made and read before cloture was voted?

The VICE PRESIDENT. That is the precedent of the Senate.

Mr. ERVIN. I thank the Chair.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. McCLELLAN. If the pending amendment is tabled and thereafter a substitute amendment is offered—I do not know whether it would be called a substitute; I have been hearing a lot about a substitute bill or substitute amendment—and a cloture motion is filed immediately thereafter, I inquire whether all amendments now at the desk, to both the bill and the Mondale amendment, will be eligible to be offered if they have been already read?

The VICE PRESIDENT. The Chair informs the Senate that if the cloture motion is offered only to this amendment, then the cloture motion relates only to that amendment.

Mr. McCLELLAN. And amendments that have heretofore been offered to the Mondale amendment, which are at the desk and which have already been read, would not be eligible to be offered to the substitute amendment.

The VICE PRESIDENT. The Chair will consult with the Parliamentarian.

The Chair, after consultation with the Parliamentarian, informs the Senate that the amendments which are at the desk and have been read have compiled with the reading requirements of rule XXII.

However, because apparently there will be offered a substitute for the whole bill, it might be desirable for those who have submitted such amendments to make page and line reference revisions which would make them apply to the substitute.

Mr. McCLELLAN. A further parliamentary inquiry, Mr. President.

The VICE PRESIDENT. The Senator will state it.

Mr. McCLELLAN. That is the point I wish to make. If this amendment is tabled and the other one offered, and immediately thereafter a cloture motion is filed, then no one will have an opportunity to offer amendments to the new amendment. There would not be an opportunity to offer them and have them read, because there is a change, there is a difference——

The VICE PRESIDENT. No. The Senator is misinformed. The Senate would have an opportunity to modify the amendments. There is a delay period in which the cloture process works, and such changes could be made during that time. If the cloture motion were filed today, the vote would not come until Fri-

day; so such modifications could be made today and tomorrow.

Mr. McCLELLAN. Amendments would be in order during that time?

The VICE PRESIDENT. That is correct.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. JAVITS. Mr. President, the Chair has ruled, or the Chair has advised the Senate, that amendments which are at the desk which have been read qualify under rule XXII.

The VICE PRESIDENT. Yes, as far as the reading requirement is concerned.

Mr. JAVITS. Is it not true, however, that whether or not those amendments qualify under other rules of the Senate—to wit, whether they are in more than one degree—what will be the Senate action if a complete substitute is offered, and other questions which deal with other rules of the Senate, are unaffected by the fact that those amendments may appropriately be called up after cloture, and there may be other objection to them?

The VICE PRESIDENT. The Senator is correct.

Mr. DIRKSEN. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator will state it.

Mr. DIRKSEN. Mr. President, I am sure that at some point in time it will be in order to ask unanimous consent to consider that all the amendments that are presently pending be considered as read and qualified, that they can be offered. And I do so for the simple reason that in the hiatus period between the time the cloture motion is filed and before cloture is voted, if it is voted, Senators could resubmit their amendments and go to the trouble of having them reprinted and submitted all over again. And at the appropriate time, Mr. President, I undertake to——

Mr. RUSSELL. Mr. President, I make a point of order. This is not a parliamentary inquiry. It is debate after a motion to table, and it is wholly out of order.

The VICE PRESIDENT. It is the view of the Chair that the Senator from Illinois is making a parliamentary inquiry.

Mr. DIRKSEN. I thought I was, and I am asking now whether such a unanimous-consent request would be in order.

The VICE PRESIDENT. It surely would be in order.

Mr. ERVIN. Mr. President, I should like to make a parliamentary inquiry for the purpose of ascertaining when Members of the Senate are going to be permitted to see the Dirksen amendment and have copies of it available.

Mr. DIRKSEN. Mr. President, that is not a parliamentary inquiry.

Mr. ERVIN. It is a very sensible inquiry, anyway, whether it is a parliamentary inquiry or not.

The VICE PRESIDENT. I am sure the Senator's inquiry would be promptly replied to by appropriate action of the Senate.

The question is on agreeing to the motion of the Senator from Minnesota.

Mr. HOLLAND. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Minnesota. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. MOSS (after having voted in the negative). On this vote I have a live pair with the majority leader, the Senator from Montana [Mr. MANSFIELD]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana [Mr. HARTKE], the Senator from Missouri [Mr. LONG], the Senator from Montana [Mr. MANSFIELD], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Maine [Mr. MUSKIE] are absent on official business.

I also announce that the Senator from Idaho [Mr. CHURCH], the Senator from Florida [Mr. SMATHERS], and the Senator from Rhode Island [Mr. PASTORE] are necessarily absent.

I further announce that, if present and voting, the Senator from Idaho [Mr. CHURCH], the Senator from Indiana [Mr. HARTKE], the Senator from Missouri [Mr. LONG], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Maine [Mr. MUSKIE], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. SMATHERS] would each vote "yea."

Mr. DIRKSEN. I announce that the Senator from Iowa [Mr. HICKENLOOPER] is absent on official business.

The Senator from California [Mr. KUCHEL] and the Senator from Kansas [Mr. PEARSON] are necessarily absent.

If present and voting, the Senator from Iowa [Mr. HICKENLOOPER], the Senator from California [Mr. KUCHEL], and the Senator from Kansas [Mr. PEARSON] would each vote "yea."

The result was announced—yeas 83, nays 5, as follows:

[No. 12 Leg.]

YEAS—83

Aiken	Fong	Montoya
Allott	Fulbright	Morton
Anderson	Griffin	Mundt
Baker	Hansen	Murphy
Bartlett	Harris	Nelson
Bayh	Hart	Pell
Bennett	Hayden	Percy
Bible	Hill	Prouty
Boggs	Holland	Proxmire
Brewster	Hollings	Randolph
Brooke	Hruska	Ribicoff
Burdick	Inouye	Russell
Byrd, Va.	Jackson	Scott
Byrd, W. Va.	Javits	Smith
Cannon	Jordan, N.C.	Sparkman
Carlson	Jordan, Idaho	Spong
Case	Kennedy, Mass.	Stennis
Clark	Kennedy, N.Y.	Symington
Cooper	Lausche	Talmadge
Cotton	Long, La.	Thurmond
Curtis	Magnuson	Tower
Dirksen	McCarthy	Tydings
Dodd	McClellan	Williams, N.J.
Dominick	McGovern	Williams, Del.
Eastland	McIntyre	Yarborough
Ellender	Metcalf	Young, N. Dak.
Ervin	Miller	Young, Ohio
Fannin	Mondale	

NAYS—5

Gore	Hatfield	Morse
Gruening	McGee	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Moss, against.

NOT VOTING—11

Church	Long, Mo.	Pastore
Hartke	Mansfield	Pearson
Hickenlooper	Monroney	Smathers
Kuchel	Muskie	

So Mr. MONDALE's motion to lay his amendment on the table was agreed to.

The VICE PRESIDENT. The Senator from Illinois is recognized.

Mr. DIRKSEN. Mr. President, I submit an amendment in the nature of a substitute for the committee substitute.

The VICE PRESIDENT. The amendment will be stated. Does the Senator wish to have the amendment read?

Mr. DIRKSEN. No.

The VICE PRESIDENT. The clerk will state the amendment by title.

The legislative clerk proceeded to read the amendment by title.

Mr. ERVIN. Mr. President——

The VICE PRESIDENT. The Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I wish to ask a question. When will the printed copy of the amendment be available; otherwise, I would have to ask that it be read.

The VICE PRESIDENT. The printed copy would be available tomorrow morning and printed in the RECORD of today's proceedings.

Mr. ERVIN. It will be in the RECORD?

The VICE PRESIDENT. It will be printed in the RECORD as an amendment in the nature of a substitute.

Mr. GORE. Mr. President, I object to dispensing with the reading.

The VICE PRESIDENT. There is objection. The clerk will read the amendment.

The legislative clerk proceeded to read the amendment in the nature of a substitute.

The VICE PRESIDENT. The Senator has asked that the amendment be read. I suggest that the Senate be in order so that the clerk can read it.

The legislative clerk resumed reading the amendment in the nature of a substitute.

Mr. HOLLAND. Mr. President (Mr. HOLLINGS in the chair), I ask that the clerk read the amendment a little more slowly so we can hear it and understand it.

The legislative clerk resumed reading the amendment in the nature of a substitute.

The amendment in the nature of a substitute (No. 554) was read by the legislative clerk, as follows:

In lieu of the language proposed to be inserted by the Committee insert the following:

"TITLE I—INTERFERENCE WITH

"FEDERALLY PROTECTED ACTIVITIES

"SEC. 101. That Chapter 13, Civil Rights, title 18, United States Code, is amended by inserting immediately at the end thereof the following new section, to read as follows:

"'§ 245. Federally Protected Activities

"'(a)(1) Nothing in this section shall be construed as indicating an intent on the part of Congress to prevent any State, any possession or Commonwealth of the United States, or the District of Columbia, from exercising jurisdiction over any offense over which it would have jurisdiction in the absence of

this section, nor shall anything in this section be construed as depriving State and local law enforcement authorities of responsibility for prosecuting acts that may be violations of this section and that are violations of State and local law. No prosecution of any offense described in this section shall be undertaken by the United States except upon the certification in writing of the Attorney General or the Deputy Attorney General that in his judgment a prosecution by the United States is in the public interest and necessary to secure substantial justice, which function of certification may not be delegated.

"'(2) Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section.

"'(b) Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with,

"'(1) any person because he is or has been, or in order to discourage such person or any other person or any class of persons from—

"'(A) voting or qualifying to vote, qualifying or campaigning as a candidate for elective office, or qualifying or acting as a poll watcher, or any legally authorized election official, in any primary, special, or general election;

"'(B) participating in or enjoying any benefit, service, privilege, program, facility, or activity provided or administered or managed by the United States;

"'(C) applying for or enjoying employment, or any prerequisite thereof, by any agency of the United States;

"'(D) serving, or attending upon any court in connection with possible service, as a grand or petit juror in any court of the United States;

"'(E) participating in or enjoying the benefits of any program or activity receiving Federal financial assistance; or

"'(2) any person because of his race, color, religion or national origin and because he is or has been—

"'(A) enrolling in or attending any public school or public college;

"'(B) participating in or enjoying any benefit, service, privilege, program, facility or activity provided or administered by any State or subdivision thereof;

"'(C) applying for or enjoying employment, or any perquisite thereof, by any private employer or any agency of any State or subdivision thereof, or joining or using the services or advantages of any labor organization, hiring hall, or employment agency;

"'(D) serving, or attending upon any court of any State in connection with possible service, as a grand or petit juror;

"'(E) traveling in or using any facility of interstate commerce, or using any vehicle, terminal, or facility of any common carrier by motor, rail, water, or air;

"'(F) enjoying the goods, services, facilities, privileges, advantages, or accommodations of any inn, hotel, motel, or other establishment which provides lodging to transient guests, or of any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility which services the public and which is principally engaged in selling food or beverages for consumption on the premises, or of any gasoline station, or of any motion picture house, theater, concert hall, sports arena, stadium, or any other place of exhibition or entertainment which serves the public, or of any other establishment which serves the public and (i) which is located within the premises of any of the aforesaid establishments or within the premises of which is physically located any of the aforesaid establishments, and (ii) which holds itself out as serving patrons of such establishments; or

"'(3) any person because he is or has been, or in order to discourage such person or any other person or any class of persons from—

"'(A) participating, without discrimination on account of race, color, religion or national origin, in any of the benefits or activities described in subparagraphs (1)(A) through (1)(E) or subparagraphs (2)(A) through (2)(F), or lawfully aiding or encouraging others to so participate; or

"'(B) participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate; or

"'(C) affording another person or class of persons opportunity or protection to so participate—shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000, or imprisoned not more than ten years or both; and if death results shall be subject to imprisonment for any term of years or for life.'

"(c) Nothing contained in this section shall apply to or affect activities under title II of this Act.

"SEC. 102. The analysis of chapter 13 of title 18 of the United States Code is amended by adding at the end thereof the following:

"'245. Federally Protected Activities.'

"SEC. 103. (a) Section 241 of title 18, United States Code, is amended by striking out the final paragraph thereof and substituting the following:

"'They shall be fined not more than $10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life.'

"(b) Section 242 of title 18, United States Code, is amended by striking out the period at the end thereof and adding the following: '; and if death results shall be subject to imprisonment for any term of years or for life."

"(c) Subsections (a) and (c) of section 12 of the Voting Rights Act of 1965 (79 Stat. 443, 444) are amended by striking out the words 'or (b)' following the words '11 (a)'.

"TITLE II—FAIR HOUSING

"POLICY

"SEC. 201. It is the policy of the United States to provide for fair housing throughout the United States.

"DEFINITIONS

"SEC. 202. As used in this title—

"(a) 'Secretary' means the Secretary of Housing and Urban Development.

"(b) 'Dwelling' means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

"(c) 'Family' includes a single individual.

"(d) 'Person' includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

"(e) 'To rent' includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

"(f) 'Discriminatory housing practice' means an act that is unlawful under section 204, 205, or 206.

"(g) 'State' means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, or any of the territories and possessions of the United States.

"EFFECTIVE DATES OF CERTAIN PROHIBITIONS

"SEC. 203. (a) Subject to the provisions of subsection (b) and section 207, the prohibitions against discrimination in the sale or rental of housing set forth in section 204 shall apply:

"(1) Upon enactment of this title, to—

"(A) dwellings owned or operated by the Federal Government;

"(B) dwellings provided in whole or in part with the aid of loans, advances, grants, or contributions made by the Federal Government, under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to the date of enactment of this title;

"(c) dwellings provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government, under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to the date of enactment of this title; and

"(D) dwellings provided by the development or the redevelopment of real property purchased, rented, or otherwise obtained from a State or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

"(2) After December 31, 1968, to all dwellings covered by paragraph (1) and to all other dwellings except as exempted by subsection (b).

"(b) Except for dwellings covered under section 203(a)(1), nothing in section 204 (other than paragraph (c)) shall apply to—

"(1) any single-family house sold or rented by an owner residing in such house at the time of such sale or rental, or who was the most recent resident of such house prior to such sale or rental: *Provided*, That after December 31, 1969, the sale or rental of any such single-family house shall be excepted from the application of this title only if such house is sold or rented (A) without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, and (B) without the publication, posting or mailing, after notice, of any advertisement or written notice in violation of section 204(c) of this Title; but nothing in this proviso shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necesary to perfect or transfer the title.

"(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four families living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

"(c) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if—

"(1) he has, within the preceding twelve months, participated as principal in three or more transactions involving the sale of rental of any dwelling or any interest therein, or

"(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein, or

"(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

"Discrimination in the Sale or Rental of Housing

"SEC. 204. As made applicable by section 203 and except as exempted by sections 203(b) and 207, it shall be unlawful—

"(a) To refuse to sell or rent, to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

"(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.

"(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

"(d) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

"(e) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion or national origin.

"DISCRIMINATION IN THE FINANCING OF HOUSING

"SEC. 205. After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with him in connection with such loan or other financial assistance or the purposes of such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given, provided that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 204(b).

"DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES

"SEC. 206. After December 31, 1968, it shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin.

"EXEMPTION

"SEC. 207. Nothing in this title shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

"ADMINISTRATION

"SEC. 208. (a) The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

"(b) The Department of Housing and Urban Development shall be provided an additional Assistant Secretary. The Department of Housing and Urban Development Act (Public Law 89–174, 79 Stat. 667) is hereby amended by—

"(1) striking the word 'four,' in section 4 (a) of said Act (79 Stat. 668; 5 U.S.C. 624b (a)) and substituting therefor 'five,', and

"(2) striking the word 'six,' in section 7 of said Act (79 Stat. 669; 5 U.S.C. 624d(c)) and substituting therefor 'seven.'

"(c) The Secretary may delegate any of his functions, duties, and powers to employees of the Department of Housing and Urban Development or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this title. The persons to whom such delegations are made with respect to hearing functions, duties, and powers shall be appointed and shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3344, 5362, and 7521 of title 5 of the United States Code. Insofar as possible, conciliation meetings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with law.

"(d) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner affirmatively to further the purposes of this title and shall cooperate with the Secretary to further such purposes.

"(e) The Secretary of Housing and Urban Development shall—

"(1) make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the United States;

"(2) publish and disseminate reports, recommendations, and information derived from such studies;

"(3) cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices;

"(4) cooperate with and render such technical and other assistance to the Community Relations Service as may be appropriate to further its activities in preventing or eliminating discriminatory housing practices; and

"(5) administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this title.

"EDUCATION AND CONCILIATION

"SEC. 209. Immediately after the enactment of this title the Secretary shall commence such educational and conciliatory activities as in his judgment will further the purposes of this title. He shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this title and his suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement. He may pay per diem, travel, and transportation expenses for persons attending such conferences as provided in section 5703 of title 5 of the United States Code. He shall consult with State and local officials and other interested parties to learn the extent, if any, to which housing discrimination exists in their State or locality, and whether and how State or local enforcement programs might be utilized to combat such discrimination in connection with or in place of, the Secretary's enforcement of this title. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

"ENFORCEMENT

"SEC. 210. (a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter 'person aggrieved') may file a complaint with the Secretary. Complaints shall be in writing and shall contain such information and be in such form as the Secretary requires. Within thirty days after receiving a complaint, or within thirty days after the expiration of any period of reference under subsection (c), the Secretary shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the Secretary decides to resolve the complaint, he shall proceed to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this title without the written consent of the persons concerned. Any employee of the Secretary who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than $1,000 or imprisoned not more than one year.

"(b) A complaint under subsection (a) shall be filed within one hundred and eighty days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against him and with the leave of the Secretary, which shall be granted whenever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

"(c) Wherever a State or local fair housing law provides rights and remedies for alleged discriminatory housing practices which are substantially equivalent to the rights and remedies provided in the Title, the Secretary shall notify the appropriate State or local agency of any complaint filed under this Title which appears to constitute a violation of such State or local fair housing law, and the Secretary shall take no further action with respect to such complaint for 30 days after the mailing of such notice unless the Secretary certifies that in his judgment, under the circumstances of the particular case, the protection of the rights of the parties or the interests of justice preclude such deference to State or local remedies.

"(d) If within thirty days after a charge is filed with the Secretary or within thirty days after expiration of any period of reference under subsection (c), the Secretary has been unable to obtain voluntary compliance with this title, the person aggrieved may, within thirty days thereafter, commence a civil action in any appropriate United States district court, against the respondent named in the complaint, to enforce the rights granted or protected by this title, insofar as such rights relate to the subject of the complaint. Such actions may be brought, without regard to the amount in controversy, in any United States district court for the district in which the discriminatory housing practice is alleged to have occurred or be about to occur or in which the respondent resides or transacts business. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

"(e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

"INVESTIGATIONS; SUBPENAS; GIVING OF EVIDENCE

"SEC. 11. (a) In conducting an investigation the Secretary shall have access at all

reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation. The Secretary may issue subpenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The Secretary may administer oaths.

"(b) Upon written application to the Secretary, a respondent shall be entitled to the issuance of a reasonable number of subpenas by and in the name of the Secretary to the same extent and subject to the same limitations as subpenas issued by the Secretary himself. Subpenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

"(c) Witnesses summoned by subpena of the Secretary shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district courts. Fees payable to a witness summoned by a subpena issued at the request of a respondent shall be paid by him.

"(d) Within five days after service of a subpena upon any person, such person may petition the Secretary to revoke or modify the subpena. The Secretary shall grant the petition if he finds that the subpena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

"(e) In case of contumacy or refusal to obey a subpena, the Secretary or other person at whose request it was issued many petition for its enforcement in the United States district court for the district in which the person to whom the subpena was addressed resides, was served, or transacts business.

"(f) Any person who willfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to the subpena or lawful order of the Secretary, shall be fined not more than $1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Secretary, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Secretary pursuant to his subpena or other order, or shall willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or shall willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than $1,000 or imprisoned not more than one year, or

"(g) The Attorney General shall conduct all litigation in which the Secretary participates, as a party or as amicus pursuant to this Act.

"ENFORCEMENT BY PRIVATE PERSONS

"SEC. 212. (a) The rights granted by sections 203, 204, 205, and 206 may be enforced by civil actions in appropriate United States district courts without regard to the amount in controversy and in appropriate State or local courts of general jurisdiction. A civil action shall be commenced within one hundred and eighty days after the alleged discriminatory housing practice occurred.

"(b) Upon application by the plaintiff and in such circumstances as the court may deem just, a court of the United States in which a civil action under this section has been brought may appoint an attorney for the plaintiff and may authorize the commencement of a civil action upon proper showing without the payment of fees, costs, or security. A court of a State or subdivision thereof may do likewise to the extent not inconsistent with the law or procedures of the State or subdivision.

"(c) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than $1,000 punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff.

"(d) The court may allow a prevailing plaintiff a reasonable attorney's fee as part of the costs.

"ENFORCEMENT BY THE ATTORNEY GENERAL

"SEC. 213. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this title, or that any person or group of persons has been denied any of the rights granted by this title and such denial raises an issue of general public importance, he may bring a civil action in any appropriate United States district court by filing with it a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice or denial of rights, as he deems necessary to insure the full enjoyment of the rights granted by this title.

"EXPEDITION OF PROCEEDINGS

"SEC. 214. Any court in which a proceeding is instituted under section 212 or 213 of this title shall assign the case for hearing at the earliest practicable date and cause the case to be in every way expedited.

"EFFECT ON STATE LAWS

"SEC. 215. Nothing in this title shall be construed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this title shall be effective, that grants, guarantees, or protects the same rights as are granted by this title; but any law of a State, a political subdivision, or other such jurisdiction that purports to require or permit any action that would be a discriminatory housing practice under this title shall to that extent be invalid.

"COOPERATION WITH STATE AND LOCAL AGENCIES ADMINISTERING FAIR HOUSING LAWS

"SEC. 216. The Secretary may cooperate with State and local agencies charged with the administration of State and local fair housing laws and, with the consent of such agencies, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist him in carrying out this Act. In furtherance of such cooperative efforts, the Secretary may enter into written agreements with such State or local agencies. All agreements and terminations thereof shall be published in the Federal Register.

"INTERFERENCE, COERCION, OR INTIMIDATION

"SEC. 217. It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 203, 204, 205 or 206. This section may be enforced by appropriate civil action.

"APPROPRIATIONS

"SEC. 218. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

"SEPARABILITY OF PROVISIONS

"SEC. 219. If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of the title and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

"TITLE III—PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

"SEC. 301. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with

"(a) Any person because of his race, color, religion or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

"(b) Any person because he is or has been, or in order to discourage such person or any other person or any class or persons from—

"(1) participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 301(a), or aiding or encouraging others to so participate; or

"(2) participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate; or

"(3) affording another person or class of persons opportunity or protection so to participate—

shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if bodily injury results shall be fined not more than $10,000, or imprisoned not more than ten years, or both; and if death results shall be subject to imprisonment for any term of years or for life."

Mr. DIRKSEN. Mr. President, I ask unanimous consent at this point that all printed amendments to H.R. 2516 that are at the desk be considered as having been read for the purpose of complying with the provisions of rule XXII, and that a point of order not lie against them because of their page and line reference.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, reserving the right to object, to clarify the unanimous-consent request, I understand the desire of the Senator from Illinois to be that the amendments may be considered as having been read.

Mr. President, I have a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, is it not a fact that the proposed unanimous-consent request does not intend to change the present situation, but that the amendment in the nature of a substitute, offered by the Senator from Illinois as a substitute for the whole bill—I understand that it may be amended in the course of the proceedings—will represent when adopted the end of any further opportunity to amend the Hart bill.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. Therefore, the amendments at the desk which the Senator

from Illinois is very generously seeking to provide for must be considered as amendments to the substitute.

The PRESIDING OFFICER. The request is to make them eligible to be offered. However, they would have to be offered to the substitute amendment.

Mr. JAVITS. And when offered, other than the pagination, which has been waived by the unanimous-consent request, and the fact that they will have been read at the desk, which will have been waived by the unanimous-consent request, and the timeliness of submitting them—namely, after a vote for cloture—which will have been waived by the unanimous-consent request, other applications of the Senate rules will not have been waived.

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLAND. Mr. President, reserving the right to object, is my understanding correct, that this sweeping provision—which I think I shall approve wholeheartedly—does not apply to the so-called Mondale-Brooke amendment which has been disposed of finally?

The PRESIDING OFFICER. That amendment has been disposed of by tabling. It does not apply.

Mr. HOLLAND. I thank the Chair.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DIRKSEN. Mr. President, at this hour, I propose no explanation of the bill, nor very extended remarks. There are a number of meetings yet this evening that must be attended. And I presume, of course, that I am compelled to do so. However, there are a few remarks that I would like to make.

It will be an exercise in futility for anyone to dig up the speech I made in September 1966, with respect to fair housing, in which I took the firm, steadfast position that I thought fair housing was in the domain of the State because it was essentially an enforcement problem.

Mr. President, there are only two categories of people who do not change their minds in the face of reality. One group is sacredly embalmed in the last resting places of the country and could not change their minds. The other group consists of the recipients of the many problems in the field of mental health that have committed them to institutions, and they are not competent to change their minds. But other than that, one would be a strange creature indeed in this world of mutation if in the face of reality he did not change his mind.

I remember a little incident that occurred in one of the classes of the noted Dr. Ochsner who liked to teach along with doing other things. In one class he described the affliction of a patient and asked the students what they would administer. He then gathered up the replies. And when he got back to his desk in the classroom, one student stood up and said, "Doctor, I would like to change my answer."

The doctor said, "You are too late. Your patient has been dead 3 minutes."

I say that because I do not want to worsen the condition of the patient—namely, the restive condition in the United States. I do not want to have this condition erupt and have a situation develop for which we do not have a cure and probably have more violence and more damage done.

There are other reasons also. There are young men of all colors and creeds and origins who are this night fighting 12,000 miles or more away from home. They will be back. They will return. They will have families. And some of them, after having lost arms in this war, will rear families. Some of these veterans, with only the stubs of their legs remaining, will have families. Some of these veterans, with all manner of afflictions, will have families.

If anyone wants to see it, let him go out to Walter Reed. When I have been there from time to time and have been the recipient of floral bouquets from my friends, I gave them to the veterans from Vietnam, and I had a chance to see them.

Mr. President, if that does not act like balm to a troubled soul, frankly, I do not know what will. But they will be back. They will be citizens. They will want to be integrated into the economic and social life of our country. Unless there is fair housing as this title connotes—and I ask that the title be changed and simply made "fair housing"—I do not know what the measure of their unappreciation would be for the ingratitude of their fellow citizens, after they were willing to lay their lives on the altar and in so many instances left arms and legs 12,000 miles behind.

Mr. President, I am not going to charge my conscience with that sort of thing, believe me.

Now, I suppose the cynics will want to allege all manner of reasons for a change of heart. I have assigned the reasons.

It was said to me yesterday afternoon, in the press gallery, "Were you taking this course because you thought your party leadership was in jeopardy?"

Mr. President, the party can have this leadership any time it wants it. I would have only one vote in the conference where a determination would be made, and I would not even go; so that they would not be inhibited in any discussion they may carry on with respect to their leader and whether or not they think that he was reasonably competent and that he tried to discharge his full duty as a U.S. Senator and as a leader.

It has been said that probably I had my eye on the chairmanship of the party's national platform committee next August. It is no secret that I have had my eye on it. But I cannot imagine for a moment that that would derogate my sense of duty in the slightest, because my first duty is to the country and my second duty is here; because I have been to the Vice President's desk three times and held up my hand and took an oath to that effect.

What kind of creature would I be if I permitted such superficial and singular considerations to either entice me or to deter me with respect to my own concept of duty?

This matter, Mr. President, has been a long time before the country. The first State passed a fair housing law in 1959. That is 9 years ago. There are now 21 States and three territorial jurisdictions—and I include therein the District of Columbia—that have fair housing laws. Well, it is not half of the States in a period of 9 years. Now, one can equate it any way he pleases. But on the basis of past performance, it would require at least 15 years before all the States adopted some kind of a fair housing law that was reasonably good and enforceable. In some instances there are States that adopted such laws and then found that they had to be strengthened. There were nine such States that had to do exactly that in order to come by a housing law that was reasonably effective.

May I say, also, just equating what the eye reveals on the sheet, that probably two-thirds of the people of the United States are today covered by State laws on fair housing. But there are some that are not covered, and perhaps they will refrain from adopting a housing law. And the question is, What do you do? Or, what do you do when a State law is ineffective and there is no disposition to make it so and to enforce it?

In such cases, I have to remember that a citizen has a dual citizenship under the Constitution of the United States. It says, as plainly as print can make it, that he is a citizen of the United States and of the State where he resides. So we are dealing with the citizenship of the country. And my only hope is that he will be dealt with rather fairly, and that is the reason for the substitute proposal that is before the Senate today.

When the Hart bill was before the Judiciary Committee, I voted against it. It carried by a one-vote margin in the Judiciary Committee. I felt I could not well support it in the form in which it came to the floor. And that was equally true of the Mondale amendment dealing with the question of fair housing.

And so, what choice was there except to try to develop a new measure that more nearly comported with my own views, my own experience, and my own conscience in the field? What is before the Senate today represents exactly that and deals both with law enforcement in the cases of assault and with the question of fair housing. It is not the product of my sometimes weary brain.

Oh, the many who have participated in it, and how grateful I am to all. The last session was in my office at 10 o'clock this morning. It was attended by many distinguished Senators—Senator HRUSKA, of Nebraska; Senator BAKER, of Tennessee; Senator HART, of Michigan; Senator BROOKE, of Massachusetts; Senator JAVITS, of New York, and myself. The Attorney General was there, and probably spent more time in my office than he has in any other Senator's office since he has been the Attorney General. He brought three staff members with him, and my staff was there and the staffs of other Members of the Senate. That was probably the 10th or 11th conference that took place in this office. And on other occasions the majority leader of this body participated very freely.

So this is, after all, the distillation of our very best thinking.

We are aware of what the difficult problem is here, and we have tried to wrestle with in and to be eminently fair,

to the point of bending backward. I should include that our distinguished friend, the Senator from Minnesota [Mr. MONDALE], was with us, also. So we labored earnestly, patiently, in good grace and with the utmost of candor, because all the cards went on the table.

Oh, Mr. President, I am not unmindful of the fact that this substitute has its imperfections. What was it that Abraham Lincoln said about Government policy? He said that all such policies are a compound of good and evil, and the true rule is to accept that where the good preponderates.

I expect that rule in this day and age is just as good as when it was uttered by our beloved President a long time ago.

Mr. President, I allude to one more fact with respect to the statement I made on the 14th of September 1966. The riot in New York started in July 1967, many, many months after that address was made on the floor of the Senate. Mr. President, that put this whole matter in a different frame, and that frame was certainly enlarged when I sat day after day as a member of the Committee on the Judiciary to listen to the testimony about the riots in Plainfield, Newark, and New York, and the mischief in Nashville, Cincinnati, and elsewhere. This ugly and wicked finger touched over 200 cities in this country. That certainly leaves you with a rather strange emotional feeling as to what is going to happen and wherein we have been deficient and derelict in facing up to a duty. We are now talking about a $10 billion program for the cities. Why talk about it unless you start at the bottom and get a predicate or a foundation upon which you can build, and that predicate has to consist of fairness in dealing with the citizenry of any particular metropolitan area, for unless we approach it from that standpoint, we just labor in vain and what we may bring about will certainly lack durability.

Mr. President, there is no particular reason why I should discuss this bill any further tonight. Perhaps I ought to make sure by unanimous consent that the entire text will appear in the RECORD tomorrow morning, and I do ask consent, although it has been read into the RECORD, and that might not be necessary.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment has been printed in the RECORD.

Mr. DIRKSEN. Mr. President, I add this one thought. I have lived in this atmosphere a long time and I have lived also in the sweet atmosphere of a small town that almost fits into the poem entitled "The Deserted Village" by Oliver Goldsmith:

> Sweet Auburn; loveliest village of the plain, where health and plenty cheered the laboring swain.

I tasted of that atmosphere at a time when we knew no wickedness and had no such problems. But I am not unmindful of them as I cast my eye over the country and think from the pedestal of the lawmaker what I believe is my duty and responsibility.

And so we labor together precisely as we did in 1964 because I am in almost the identical position. It was no easy chore to keep that bill and it was no easy chore to go hat in hand, and to be a little blunt, and to be a little selfish and say to a Senator, "I went to your State and campaigned for you. I need a favor and I wish now you would pay me back. I wish you would give me a vote on cloture." And so this body voted cloture, and there was the Civil Rights Act of 1964. As you look at its impact upon the country it has been, in my judgment, accepted with good grace. Since that time we have added a voting rights bill that I helped pilot through this body and through conference. Now there are still some gaps, and what we are dealing with are the gaps in civil rights, and as long as they exist, I do not believe we can honestly conclude that we have properly consummated our labors.

So, Mr. President, to all who have gathered in that office, to all who participated, and to my own staff, who have been at my elbow and have done such yeoman service, I can only say, "Thanks, I am deeply grateful."

Mr. JAVITS and Mr. ERVIN addressed the Chair.

Mr. DIRKSEN. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, first, I would like to have the Senator name the two members of his staff.

Mr. DIRKSEN. Mr. Clyde L. Flynn and Mr. Bernard J. Waters.

Mr. JAVITS. Mr. President, the distinguished Senator from Illinois has a right to speak about history. There are not many who do. As history always requires confirmation, I rise and confirm the fact that I feel very strongly that the Senator from Illinois, our minority leader, has performed precisely the role in connection with the legislation here involved in 1968 that he did in 1964. It represents a monumental contribution to the tremendous problem of the crisis of the cities. I hope devoutly the work to which he has given such able hands may be duly consummated into the law.

Mr. DIRKSEN. I thank the distinguished Senator from New York.

Mr. MONDALE. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. MONDALE. Mr. President, I have one confession to make as we look at the proposal which the distinguished Senator from Illinois laid down, a proposal which I think has an excellent prospect for passage. When I became involved with a fair housing proposal, I recognized that in the final analysis the judgment of the Senator from Illinois would be critical to the disposition of the matter.

I went to the Vice President of the United States, my predecessor in the office I now hold, and I asked him about EVERETT DIRKSEN and what would finally motivate him on the issue. He said, in effect, "I have always assumed in my legislative career, in my years in this body with EVERETT DIRKSEN, that his motivation is what is good for this country, and that EVERETT DIRKSEN, when he focuses on this issue, can be counted to take those steps he regards to be best for this Nation. If you deal with him on that basis, your case, calling for the removal of the curse of discrimination in the sale and rental of housing, will receive a good hearing. The Senator from Illinois will have the courage to stand up and do what is right according to his own conscience and to act in accordance with what he thinks is in the best interest of the country." I think that is exactly what he has done.

I am pleased that it has been my privilege to serve in this body and to have had an experience parallel to that of the Vice President in developing a measure which I feel will contribute enormously to the strength, unity, and compassion of this great country we represent.

Mr. DIRKSEN. I thank the distinguished Senator from Minnesota.

Mr. HART. Mr. President, I think that, in view of what has been said, I should simply say to the Senator from Illinois in the simplest formula we have yet devised for the way we feel: "Thank you very much. If we manage to put on the statute books the bill that came from your office this afternoon, I think our consciences can be clear."

Mr. DIRKSEN. I thank the Senator from Michigan.

I yield to the Senator from Michigan.

CLOTURE MOTION

Mr. HART. Mr. President, for myself, the distinguished majority leader, and the distinguished minority leader——

Mr. ERVIN. Mr. President, will the Senator from Illinois yield?

The PRESIDING OFFICER. The Senator from Illinois has the floor.

Mr. ERVIN. Mr. President, who has the floor?

Mr. DIRKSEN. I have the floor.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. HART. Mr. President, will the Senator from Illinois yield?

Mr. DIRKSEN. I yield.

Mr. HART. Mr. President——

Mr. ERVIN. Mr. President, I object to the Senator from Illinois yielding to the Senator from Michigan for anything but a question.

The PRESIDING OFFICER. Does the Senator from Illinois yield, or is he seeking recognition?

Mr. ERVIN. Mr. President, I am seeking recognition.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Mr. DIRKSEN. I had yielded to the Senator from Michigan. If I may, I ask unanimous consent that I may yield to him.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Illinois?

Mr. ERVIN. Mr. President, I object to the Senator from Illinois yielding to the Senator from Michigan for anything except a question.

The PRESIDING OFFICER. Objection is heard.

Does the Senator from Illinois yield to the Senator from Michigan? Does the Senator yield the floor now?

Mr. DIRKSEN. Mr. President——

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DIRKSEN. Before I yield the floor—I have the floor, do I not?

The PRESIDING OFFICER. That is correct.

Mr. DIRKSEN. Before I yield the

floor, I now submit a motion for cloture signed by 48 Members of the Senate which includes myself and the majority leader. I submit it now for consideration.

The PRESIDING OFFICER. The motion for cloture will be stated.

The assistant legislative clerk read as follows:

MOTION FOR CLOTURE

We the undersigned Senators, in accordance with the provisions of Rule 22 of the Standing Rules of the Senate, hereby move to bring to a close the debate upon the pending amendment to H.R. 2516, an act to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

PHILIP A. HART, ROBERT P. GRIFFIN, EDWARD W. BROOKE, CLAIBORNE PELL, EDWARD M. KENNEDY, WALTER F. MONDALE, ROBERT F. KENNEDY, JACOB K. JAVITS, HIRAM L. FONG, JOSEPH S. CLARK, GALE W. MCGEE, JOHN SHERMAN COOPER, JOSEPH D. TYDINGS, STUART SYMINGTON, ABRAHAM RIBICOFF, BIRCH BAYH, ERNEST GRUENING, EVERETT MCKINLEY DIRKSEN, MIKE MANSFIELD, WARREN G. MAGNUSON, HUGH SCOTT, MARK O. HATFIELD, HOWARD H. BAKER, JR., GEORGE D. AIKEN, CLIFFORD P. CASE, THOMAS H. KUCHEL, CHARLES H. PERCY, LEE METCALF, FRANK E. MOSS, EDMUND S. MUSKIE, JOSEPH M. MONTOYA, THOMAS J. MCINTYRE, CLINTON P. ANDERSON, JENNINGS RANDOLPH, WAYNE MORSE, FRANK J. LAUSCHE, STEPHEN M. YOUNG, DANIEL B. BREWSTER, WILLIAM PROXMIRE, DANIEL K. INOUYE, FRED R. HARRIS, HENRY M. JACKSON, GAYLORD NELSON, GEORGE MCGOVERN, THOMAS J. DODD, HARRISON A. WILLIAMS, EUGENE MCCARTHY, NORRIS COTTON.

Mr. ERVIN. Mr. President, I should like to ask the Senator from Illinois a question. Will he yield to me?

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from North Carolina?

Mr. DIRKSEN. With the greatest of pleasure.

Mr. ERVIN. Mr. President, I should like to ask the distinguished Senator from Illinois if those of us who disagree with his substitute measure will have a fair opportunity to prepare amendments to his measure which has not been printed when the motion for cloture is filed at this late hour of the night?

The Senator from Illinois and I have always worked fairly together. He has fought very earnestly and very eloquently against public housing. I have been beside him in that fight. Would not the Senator from Illinois accede to a request to withhold or withdraw the cloture motion until tomorrow?

Mr. DIRKSEN. Mr. President, I have always worked in close harmony with the distinguished Senator from North Carolina [Mr. ERVIN]. I have always valued his wisdom and his legal knowledge. I recognize his superiority in that field, as well as his judgment, except as it may be delimited somewhat by certain geographical considerations. Other than that, I bow in his presence when it comes to my own capacity in the legal field.

However, I must say to him that at the earlier conferences, he did attend, but I discovered, in due course, that it was going to be impossible to harmonize all the views in the Senate and do it in timely fashion. It just could not be done. We were under pressure as it was, because we started in on the last conference at 10 o'clock this morning.

We felt perhaps that what was happening today would be initiated immediately after the morning business. However, it could not be consummated. That is the reason this has gone on and on and on. In the meanwhile, there were intervening speeches. In my own mind, therefore, I had to determine that there had to be a "D-Day" on this question, and this had to be it. If it comes rather late, it was a condition over which I had exactly no control. Therefore, I do not believe that the element of unfairness enters into the picture.

Mr. ERVIN. Mr. President, does not the Senator from Illinois have control over the cloture motion which he is offering? This is the first time I have ever heard it stated in this Chamber that a Senator did not have control over a motion that he was making.

Mr. DIRKSEN. Oh, I have control.

Mr. ERVIN. Well, the Senator from Illinois brings the cloture motion in at this late hour. Under the rules of the Senate, as I understand them, no amendment to his substitute measure will be eligible for consideration unless it is drawn, offered, and read before the vote on the cloture motion on Friday morning next.

The PRESIDING OFFICER. The Chair informs the Senator from North Carolina that the reading was waived by unanimous consent. Is that not the understanding of the Senator from North Carolina?

Mr. ERVIN. But that waiver applies only to amendments now at the desk which have been proposed to the Mondale amendment? The substitute is quite a change. My point is, that the substitute is quite a change from the Mondale amendment.

The PRESIDING OFFICER. The Chair would inform the Senate that any amendment prior to the vote on a cloture motion could be received and——

Mr. ERVIN. Yes, but a Senator cannot draw a new amendment to the substitute without having a copy of the substitute. None will be available until tomorrow morning.

I respectfully submit that a fair opportunity should be given Senators to draw up new amendments to the substitute amendment whose text they have not even seen and will not be able to see until tomorrow.

Mr. President, I deeply regret that the Senator from Illinois, who in times past fought so valiantly and spoke so eloquently against fair housing, is unable or unwilling to make this concession to us who do not agree with it.

I also deeply regret that he has offered the substitute. I invite the attention of the Senate to the fact that not only Negroes are fighting in Vietnam, but also white boys are fighting in Vietnam. I, for one, stand for the equality of all men before the law, regardless of whether they are white or black. I believe in freedom for all men, regardless of whether they are white or black. But under the proposed substitute, all those boys in Vietnam, as well as all men and women in the United States who own any residential property will be, in effect, forbidden to sell or rent that residential property, to persons of their own race or their own religion, if persons of another race or another religion demand that they sell or rent it to him.

The right of private property, which includes the right to sell one's privately owned property or to lease one's privately owned property to whomever he pleases, is, in my judgment, one of the most sacred rights of an American citizen.

The proposed substitute reminds me of the story of the man who was visiting in a distant city and received a telegram from the undertaker reading as follows:

Your mother-in-law died today. Shall we cremate or bury?

The man wired back—

Take no chances. Cremate and bury.

The proposed substitute proposes both to cremate and bury one of the most precious rights belonging to free men.

I am sorry that the Senator from Illinois now sees fit to espouse a cause against which he fought, as I have said, so eloquently and so valiantly. I deeply regret to see my good friend, whom I have always admired for his allegiance to freedom, proposing a substitute amendment which both cremates and buries one of the most precious rights of all Americans—the right to private property.

Mr. DIRKSEN. Mr. President——

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. Let me answer. Mr. President, the first Member of the Senate whom I called and asked to come to my office one morning weeks ago was the distinguished judge and Senator from North Carolina, and with him some of his colleagues, one from Arkansas, and one from, wherever it was, another State. I started at that point, and there I started to try to get some agreement even on title I, before we even got around to the fair housing proposal. I never could get anywhere, notwithstanding the concessions I made; and I bent over backward trying to do it. I saw then it was an impossible job. That is the reason for the action I had to take.

I was not indifferent to the Senator and to his associates and to their conceptions—and I agree with so much of it—but I knew that it was not within the domain of compromise, and that is where it fell.

So I do not apologize for my conduct. I do not believe it is unfair, and I do not propose to withdraw the cloture motion, because we will have been at this for 7 weeks, and that is long enough. Everybody is familiar with its general content.

In this substitute, we do not go beyond the frame of the discussions or measures that have been before us. I think fairness dictates that I say that for the record, because I have not been wanting in grace and in my desire to bring everybody into the orbit, in the hope of having agreement on this matter.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. DIRKSEN. I yield.

Mr. HOLLAND. Mr. President, I have no criticism or comment to make of the

Senator from Illinois insofar as his changed position is concerned. Every Senator has to study any big issue as against what he thinks is right and to decide it in the light of his own conscience; and I assume that is what the Senator from Illinois has done. So I have no criticism whatever to make of that. I would hate for the Senator, however, by any precipitate action, to destroy a reputation which, at least in the humble opinion of the Senator from Florida, has been built up, concerning the Senator from Illinois, over a period of years. I have always thought of him not only as highly conscientious, but also as exceedingly fair to his colleagues.

I remind him for the record that from the first day of this debate the Senator from Illinois has made it clear that he was hoping to work out a compromise; that he was working toward that end; and for the last several days we have had daily reports of the progress being made along that line. I remind him, however, that, insofar as those of us who were not privileged to be parties to the working out of the compromise are concerned, we have not seen this new bill, which took the clerk about 30 minutes to read a while ago.

I have been practicing law for some 52 years. I think I have a reasonably alert mind. I listened to the reading of the proposed substitute bill. I think there are some very real changes in it. I think there are some changes in it for which we will be grateful to the Senator from Illinois. But I do not know what are the contents of that bill except as I heard it read, and read very expeditiously, and I had to comment once during the reading that I thought the reader was going too fast.

In view of the fact that the reputation of fairness of the Senator from Illinois to his colleagues is at stake in this matter, I do not think it is too much to ask that we be given more time than he has proposed, to give us an opportunity to look at and study the document which it has taken weeks to work out, and which nobody has seen up to this good moment except those who were privileged to sit in at the meetings looking to a compromise.

I make this statement for the record because I think, to the very depth of my being, that the fine reputation of my colleague for fairness to his colleagues is at stake in this matter. I hope he will reconsider his announced decision and will give us a little time. I do not expect or ask or suggest that the cloture action be forgotten, but I do suggest that the question of fairness is at stake here to those of us who are opposed to the tremendously meaningful features of this bill, by giving us a chance to know what is in it and a chance to draw amendments, just as he has been given a chance, for a period of 7 weeks, to draw a compromise bill.

I would hope he would give an additional day, or whatever time was involved in the withdrawal of his cloture motion, until we can have a chance tomorrow to see a printed copy of this new bill and to decide what, in our judgment—and we have consciences just as he has—is necessary in the way of offering proposed amendments to this proposed substitute bill which will reflect the consciences and convictions of ourselves and of our people back home.

I do not think that is too much to request. I make it out of the depth of my heart, and I say, from the depth of my heart, that the Senator from Illinois is about to destroy a reputation built up over many years of service in this body and at the other end of the Capitol.

I yield the floor.

Mr. DIRKSEN. Mr. President, my reputation for fairness will have to stand on my record of nearly 40 years of public service, and I am content to leave it at that.

Mr. ERVIN. Mr. President, I would like to make it very clear that those of us who are opposed to the fair housing provisions of this proposal are entitled to present our views. I recognize, in full measure, that the Senator from Illinois has a right to change his mind, and when he has changed his mind, he has a right to obey the dictates of his conscience in respect to what it tells him.

The Senator from Illinois did invite me to his office, somewhere about the first of the session, to discuss this matter. At that time some of the Senators in favor of the Hart bill were in the conference. That was the only matter discussed. I stated I thought the substitute which I had offered, and which had been supported ably and eloquently by the Senator from Illinois in the Judiciary Committee, was preferable to the Hart bill, and that I was anxious to work out some compromise of the matter—I was perfectly agreeable to accept the amendment suggested by the Senator from Illinois—by which the States would first be given the opportunity to prosecute cases covered by my substitute bill and the Hart bill.

If I seemed obstinate in any respect, it was because I was of the firm opinion expressed in the minority views on the Hart bill, which were signed by the distinguished Senator from Florida [Mr. SMATHERS], the distinguished Senator from Illinois [Mr. DIRKSEN], and the distinguished Senator from Nebraska [Mr. HRUSKA]. I still adhere to this conviction.

I ask unanimous consent to have those minority views printed in the RECORD at this point.

There being no objection, the excerpt from the report was ordered to be printed in the RECORD, as follows:

MINORITY VIEWS

The Judiciary Committe adopted a bill to protect persons in the exercise of their civil rights through imposition of criminal sanctions. This same subject matter was approached differently by title I, sections 101–103, of the bill reported by the Subcommittee on Constitutional Rights. The members of the committee joining in these views favor the subcommitte approach to this legislation and oppose the version reported on favorably by the majority of the committee.

The vote by which the committee accepted one version of H.R. 2516 and rejected another reflects the majority's belief that special rights and protections can and should be extended to a limited group of citizens. The minority vote, on the other hand, reflects a theory of government which would apply the guarantees of law to all citizens, regardless of race, creed, color, or national origin.

While we agree with the majority that the purpose of H.R. 2516, protection from violence, is worthy, we do not believe that the means they have chosen to meet that purpose are justified. This is especially so when, as here, a more effective alternative is available which would apply in like manner to all persons in like circumstances.

In urging rejection of the committee proposal and the adoption of an alternative, our purpose is to preserve our constitutional and legal systems so that they will continue to protect all citizens of all races and all generations.

THE SUBCOMMITTEE APPROACH

The subcommittee, in sections 101–103 of title I, proposed a stronger and more effective bill. The majority legislation, apparently because of its reliance on the 14th amendment, requires an additional element not required in the subcommittee bill—that the crime of violence be committed "because of race, color, religion, or national origin" of the victim. This element necessarily restricts the protection offered by the bill to members of certain races, colors, religions, or national origins. The proponents candidly state that they do not propose to guarantee to all Americans protection from violent interference with their right to vote, to pursue their employment, or to travel. Indeed, this was one of the reasons they rejected the subcommittee's alternative.

The subcommittee substitute dispenses with this outrageous and self-defeating limitation. The substitute treats all citizens equally before the law. Crimes between persons of the same race, or color, or national origin are immune from the provisions of the majority's bill. Crimes admittedly done without racial motivation are beyond prosecution even though they purposefully are intended to deny the victim his statutory and constitutional rights.

Further successful prosecutions will be difficult to obtain under the committee bill. To prove a crime was committed "because of race, color, religion, or national origin," the prosecutor must prove beyond a reasonable doubt a motive hidden in the innermost recesses of the defendant's mind.

Despite the fact that the subcommittee's draft corrects these defects, and so makes convictions easier to obtain for violent interferences of Federal rights, it was disregarded by the committee majority.

If it is to work for any, the machinery of Federal justice should work for all. The premise of our Constitution is equal justice under law. Just as it is unconstitutional to legislate against particular individuals or groups, so the mantle of Federal protection should not be spread over one group of citizens who are injured or threatened in the exercise of their Federal rights, and not over all others. Our forefathers fled the tyrannies of governments based on special rights for special citizens. They knew the dangers of legislation which serves only the few, and it was for this reason they determined that in America all men should stand equal before the law. They meant that this principle should be respected by all three branches—by Congress as well as by the executive and the judicial branches of government.

CONGRESSIONAL INTENT

In the past, Congress has exercised restraint in enacting criminal statutes. Congress has consistently preferred not to enact Federal criminal law except where it has been clear that State law is inadequate to the task. And even where Federal law has been adopted, enforcement generally has been deferred to the States wherever possible. An example of this tradition of restraint is the Federal fugitive felon law. Adopted to aid local authorities in the pursuit of fugitives who flee across State lines, its implementation seldom results in Federal prosecution. Persons apprehended under its provisions are regularly delivered over to

the State from which they fled and subjected to the processes of State law.

It is the intent of the writers of these views that the executive branch should exercise similar restraint in enforcing any legislation designed to protect persons in the exercise of their civil rights through the imposition of Federal criminal sanctions.

CONCLUSION

Equality is not achieved when we protect only citizens of one religion, or one political affiliation, or one race, or one nationality. Unless all citizens are protected to the same degree, we violate the spirit of equal protection.

Congress has a duty to assure that the laws it enacts are constitutional. The elected representatives of the people should discharge their sacred obligation by taking time to draft legislation properly and adequately. Indeed, the Supreme Court has consistently recognized this obligation by presuming constitutionality of acts of Congres. This Congress has no authortiy to dictate that the power of government shall be invoked in behalf of a few and not all Americans.

SAM J. ERVIN, Jr.
GEORGE A. SMATHERS.
EVERETT MCKINLEY DIRKSEN.
ROMAN L. HRUSKA.

Mr. ERVIN. If I was at fault on that occasion, it is merely because I happen to possess the virtue, or the obstinacy of adhering to what I deem right. I had not had any reason to change my mind since the distinguished Senator from Illinois and I signed the minority report. I merely suggested, in the conference, in Senator DIRKSEN's office, that while I was willing to agree to reasonable amendments, I thought the position set out in the minority views was correct, and that any compromise concerning the Hart bill should recognize the basis of every just law; that is, that any law creating new crimes should apply in like manner to all men in like circumstances, regardless of such extraneous matters as race, religion, or national origin.

I do not question in any way the Senator's right to take the course he has taken. I merely regret that he has seen fit to take such course. Of course, that is a matter for him; I have a right, however, to regret the actions of Senators, even though they are free to take such actions.

I am sorry if I have offended the Senator from Illinois in any respect; but it would have been very helpful if we had been afforded a little more time to prepare new amendments to his substitute, which is not yet available to us in printed form and will not be until some time tomorrow. No question concerning any open housing amendment arose in that conference.

THE TONKIN GULF INCIDENT

Mr. MORSE. Mr. President, I had hoped that the publication of the committee's transcript of the hearing of February 20 with Secretary of Defense McNamara would provide a sufficient basis for judgment as to the veracity of the administration's accounts of the Tonkin incident in 1964.

Unfortunately, however, the administration seems to have an unlimited capacity to change the minds of its officials, such as Captain Herrick, to find new witnesses at the drop of a hat, to have total recall of things it wishes to remember, and to find in the Department of State such individuals as Assistant Secretary Bundy capable of saying that some persons in Congress were "aware" of the nature of the mission of the *Maddox* and *Joy*.

Under these circumstances, I feel that it is essential to respond to the attempts of the administration to muddy the Tonkin Gulf incident, and I shall discuss the matter briefly tonight and in another speech at greater length tomorrow.

The first question to which I address myself tonight is: Was Congress and were the American people aware in August of 1964 that the *Maddox* was a ship engaged in electronic surveillance? Were they aware that one of its assigned missions was to stimulate radar and other shore installations of North Vietnam? Were they aware that the *Maddox* conducted operations as close as 4 to 8 miles off the coast of North Vietnam—a country with which we were then at peace and a country which had not engaged in any aggressive actions whatsoever against the United States?

Mr. President, the answer to each of these questions is an unequivocal "No."

Assistant Secretary of State Bundy has said that Members of Congress were "aware" that this ship was engaged in "visual and electronic surveillance." Mr. Bundy, however, has not been able to produce a scintilla of evidence that Members of Congress were informed on this point. In the Senate, more than 35 Senators participated on August 6, 1964, in highly secret hearings with Secretary McNamara, Secretary Rusk, and General Wheeler. These were the official hearings.

Mr. President, if the administration had anything that it wanted to tell the Senate, then its responsibility was to tell the Senate through its official committee procedures. There is not one line in those committee hearings supporting the proposition that members of those committees—which were the ones constituted to consider the President's proposal—were aware that the *Maddox* was engaged in electronic surveillance.

I have said before in the speech I made last week, and I repeat tonight, the directions and orders given the *Maddox* constituted constructive aggression under international law. We not only were a constructive aggressor in regard to the patrol of the *Maddox*, and later of the *Joy*, but also, as I shall point out at some length tomorrow, we were a constructive aggressor in regard to the part that we played in the bombardments of the islands and points on North Vietnam proper.

Mr. President, there is not a word in those hearings to show that the *Maddox* proceeded to within 4 miles of the North Vietnamese shore.

What were we informed? We were told that the *Maddox* was engaged in a "routine patrol" when it was subjected to "a deliberate and unprovoked attack" while on the "high seas."

As the record of our hearings of February 20, 1968, with Mr. McNamara shows, the *Maddox* was specifically instructed, and here I quote: "to stimulate Chicom—North Vietnamese electronic reaction."

In view of the fact that we were also involved in the bombardments of the islands and of the mainland, these instructions constituted, under international law, an act of constructive aggression on the part of the Government of the United States. Not a word of this was mentioned to the two committees. The committees were not told that the *Maddox*, after having been supplied with special electronics equipment in Keelung, Taiwan, was authorized to proceed to a point 9 miles off Cape Falaise, well within the territorial waters claimed by North Vietnam.

Do not forget what our Government did with this destroyer. It sent this destroyer to Taiwan before the Tonkin Bay incident and before the bombardment, equipped it with spy ship equipment, and, for this mission, changed it from a destroyer into a spy ship. That is what the facts are in regard to what we did to the *Maddox*.

The committee was not told that on August 1, before the first attack, the *Maddox*, proceeded in the direction of Hon Me and Hon Nieu coming within 4 miles of those islands before turning southward. This patrol was, therefore, off the islands which had been attacked only 40 hours earlier by American-supplied vessels, operated by South Vietnamese. How did the North Vietnamese know whether or not our attacks were over? By what right do we assume that the North Vietnamese, having been bombarded and then having this destroyer that close to their shore, with the destroyer stimulating electronically the electronic defensive instruments in North Vietnam, how could they assume that there was not going to be additional bombardment? They had every reason to take such course of action as they thought necessary to protect their sovereignty. This patrol was, therefore, off the islands which had been attacked, I say, only 40 hours earlier by American-supplied vessels operated by South Vietnamese.

The administration would have us believe that this was not provocative.

As far as I am concerned, if the United States were subjected to bombardment from the sea by vessels, let us say of Chinese configuration—I think we would be provoked. And if within 40 hours bigger Chinese vessels showed up 4 miles off our islands, I think the United States would be provoked. We might even have nerve enough to attack those destroyers with any craft available.

M'NAMARA, HERRICK DIFFER ON WHAT WAS ROUTINE

I maintain, Mr. President, that the patrol of the *Maddox* was not routine, as we were told by the Secretary of Defense in 1964. That was his testimony. He cannot erase it. It is written indelibly for all American history to read for all time. Not only were we engaged in an electronic spying mission, we were provok-

ing—the word in the instruction is "stimulating"—the coastal radar of the North Vietnamese.

Now, how does one provoke or stimulate shore stations? Captain Herrick, brought out a few days ago—February 23 to be exact—by the public relations officials in the Pentagon, that his ship was not capable of this kind of electronic activity. Unfortunately, shortly after Captain Herrick made his statement, someone must have reminded him that he was contradicting Secretary McNamara. McNamara told the Foreign Relations Committee on February 20 that the orders to "stimulate" meant that—

> They turn on certain kind of equipment on board the *Maddox* which, in turn, leads the Chicoms or the North Vietnamese to turn on radars so that we can measure their radar frequencies.

So who is right?

Well, it turned out that the Pentagon, in its wisdom, decided that Herrick was right, and McNamara wrong. But I suggest, Mr. President, that we do not have the full answer yet.

Of course, McNamara goes out on March 1, and therefore it will not make so much difference after March 1, having declared him wrong shortly before March 1.

Perhaps someone should ask the Navy what was meant when the *Maddox* was instructed "to stimulate" coastal radar. Perhaps what was meant was that the *Maddox* was to run in toward the North Vietnamese shore as if to attack—to run toward the shore in a menacing manner—thus inducing the North Vietnamese to reveal the location of their radar and shore defenses.

I have pointed out, and I shall point out in greater depth tomorrow, what the instructions to the *Maddox* were: "During the daytime, come closer to shore, but still stay out of what we claim is the territorial limit, 3 miles, but do not stay out of what is recognized by the Asiatic nation as a 12-mile limit in regard to the ending of territorial waters and the starting of international waters."

The instruction to the ship then was: "In the nighttime, go out to sea."

Mr. President, even those instructions point out how provocative we sought to be.

Enough of this for now. I mention it only to indicate the waffly case that has been presented to the Congress and the American people.

Not only were we provocative in these electronic actions, but we were closely associated with the activities of the South Vietnamese. But I will elaborate later on about Ops 34–A and our connection with those operations. That was the bombardment operation carried on by American boats that we supplied the South Vietnamese, boats completely equipped for the South Vietnamese. We trained the South Vietnamese crews. When the *Maddox* was in Taiwan, we put on the ship to stay with the ship an American military officer who was fully familiar with the bombardment procedures and fully familiar with the relationship between the stimulation of the electronic instruments of North Vietnam and the operations of the South Vietnamese in their bombardment activity.

ATTITUDE OF NAVY TOWARD PATROL PURPOSE

While I have concentrated primarily, Mr. President, on factors which have made our whole operation questionable as a "routine" nonprovocative patrol, and while I believe that was the main deception to which Members of Congress and the American public were exposed, I turn now to another communication which reveals the attitude of the Navy toward these incidents.

Unfortunately, the 7½ hours we spent with Secretary McNamara were not enough to explore fully the Tonkin incidents. I would have liked to ask him to answer some questions and get more specific information. In fact, we talked with him as to the possibility of coming back the next day. I happen to think there should have been 2 or 3 days of examination of the Secretary of Defense.

He pointed out that he would try to oblige the committee, but that it would be difficult, that he had much to do before he left office on March 1, and it would be very difficult for him to return. He did not say that he would not return, but it was perfectly obvious that he did not want to. With the attitude that the committee quickly developed, those of us who thought there should be further hearings knew that we would not have too much support from our colleagues on the matter of bringing him back. We knew that we should do all we could to cover as much territory as we could cover on February 20.

I would like to know:

Did he not in 1964 describe these patrols as "routine"?

Does he believe Congress in 1964 understood that the *Maddox* was engaged in electronic stimulation?

Did he give Members to understand in 1964 that the *Maddox* was instructed to go to within 4 miles of Hon Me?

Or did he seek to leave the impression that our vessels had always undertaken their patrol by staying beyond 12 miles? Why did he not correct the chairman of the Foreign Relations Committee when he on three occasions in public debate in 1964 referred to the 12-mile limit? But back to my main subject: What was the attitude of the Navy toward North Vietnam after the first attack of August 2?

Let me make very clear, Mr. President, that I think there was an attack on August 2. I have said it time and time again. I said it on February 20, as the transcript of the RECORD will show.

I do not think it was an attack that bore very much resemblance to the attack that the Pentagon Building claimed. However, Mr. President, I do think there was an attack. I do not think there was an attack that justified the act that subsequently followed when our President ordered 64 sorties of aircraft to attack the PT boat installations in coves in North Vietnam. When those sorties were ordered, neither destroyer was in the slightest danger.

Mr. President, the right of self-defense had vanished, and retaliation is not the same as self-defense. What we should have done at that time was, of course, to order those ships farther out in the high seas and take the case where the law requires that we should have taken it; namely, the Security Council of the United Nations, and ask them to take over immediate jurisdiction. However, when I put that problem to the Secretary of Defense in the hearing on February 20, what was his reply?

His reply was that he did not think the Security Council would do anything about it. That does not excuse ignoring our obligations under international law. The fact is that with the history we had already made in the case, with the constructive aggression we had already made in the case, the last thing we should have done was to have ordered the bombing of those PT boat bases. We should have called upon the United Nations Security Council to assume its jurisdiction.

I said the other day, and I repeat today, that is represented a visceral reaction on the part of our country. It represented a striking action on the part of our country—the big boy whipping the little boy on the playground. And I want to say, Mr. President, that is going to be the attitude long after the present occupant of the chair and I cease walking on this earth, and historians get through writing the record of what happened in the Tonkin Gulf incident.

I refer to a communication which I was prepared to present to the Secretary during the hearing had time permitted. I would not mention this cable now were it not for the propensity of the public relations people in the Pentagon to be one up. To date, they have published only some of the communications which bear on the Tonkin Gulf incidents. I continue to hope that eventually the American people can know about the remainder of the communications.

On August 2, 1964, after the first attack on the *Maddox* had taken place, the commander in chief of the Pacific Fleet told his units that it was considered "in our best interest that we assert right of freedom of the seas and resume Gulf of Tonkin patrol." The commander of the 7th Fleet was instructed as to the details of the joint *Maddox-Turner Joy* patrol. His guidance was that the closest point of approach to the North Vietnamese coast was 8 nautical miles, and 4 miles for the North Vietnamese islands.

Here is the message sent by the commander of the task force to the *Maddox* and the *Turner Joy* after the attack of August 2, and several hours before the commencement of the patrol which resulted in the second incident, which in turn led to the functional equivalent of a declaration of war—because we had been subjected to an unprovoked attack. That is the alibi of the former Attorney General of the United States, now the Under Secretary of State, Mr. Katzenbach.

A "functional declaration of war" is, of course, a semantic coinage by this administration because it cannot possibly carry out the requirement of the Constitution and follow the course of action

it has been following. We are being treated to an undeclared war, and therefore an unconstitutional war, and slaughtering increasing hundreds of American boys in that illegal act.

Mr. President, this is the message sent by the commander of the task force:

> It is apparent that DRV (Democratic Republic of Vietnam) has thrown down the gauntlet and now considers itself at war with the United States. It is felt that they will attack U.S. forces on sight with no regard for cost. U.S. ships in Gulf of Tonkin can no longer assume that they will be considered neutrals exercising the right of free transit. They will be treated as belligerents from first detection and must consider themselves as such.

Why did they so consider it? They so considered it because of the bombing by the South Vietnamese, by the act of constructive aggression of the United States because of our implication in the bombing, and by the act of constructive aggression of the United States in regard to stimulating their electronic instruments and by their response on August 2. That is why they decided that they would have to consider us belligerents. They looked at the totality of the entire operation in the Tonkin Gulf and decided that they were dealing not only with the South Vietnamese but now also with the United States.

Mr. President, of course, Captain Herrick and his crew were jittery. They were greatly concerned at that particular time in this whole incident. No wonder their initial reports showed 22 torpedoes coming from two non-torpedo-carrying Swatows and one PT boat, if it could be gotten ready—and we do not know to this day whether it was ready or not.

One thing that I believe is perfectly clear is that for Captain Herrick to seek to give his Government and his superiors the impression that 22 torpedoes were fired is just plainly fantastic, when a PT boat carries only two torpedoes. There was no flotilla of PT boats sent against the *Maddox*. I happen to think that a torpedo was fired. Perhaps there was more than one, but the record is clear there could not have been more than an exceedingly small number. To give the impression that this kind of massive attack was made upon the *Maddox* just is not borne out by the exchanges of messages between the ships and the superior officers.

Then there was another message which I mention only because it shows the attitude of the naval authorities toward this patrol. This is from a message of August 4 from the commander in chief of the Pacific Fleet, before the attack that night took place. It reads in part as follows:

> 1. Termination of DESOTO patrol after two days of patrol operations subsequent to *Maddox* incident . . . does not in my view adequately demonstrate United States resolve to assert our legitimate rights in these international waters. . . .

So they are going to send it back in. Here was the place to send those ships farther out to sea; and, interestingly enough, that is what Captain Herrick had suggested. Captain Herrick at that time realized that his boat was in trouble; for, with all their electronic stimulation, they knew what they had stirred up in North Vietnam. They had stirred up great concern as to what the *Maddox* was up to, and the messages they intercepted made perfectly clear that North Vietnam considered the *Maddox* a hostile ship at this stage of the incident. That is why the commander of the *Maddox* had sent his message suggesting that they go out to sea, and got this message in reply, ordering them back in. They should have been sent out to sea and the entire issue again should have followed the requirements of international law by having been submitted to the Security Council of the United Nations.

Let me be absolutely clear on both of these messages.

I am not objecting to the assertion of legitimate rights. I am questioning two things.

First, I am questioning whether the United States had a legitimate right to do what it was doing within waters that North Vietnam viewed as its own territorial waters, and after the commander of the ship had become aware of the fact that the North Vietnamese had come to look upon the *Maddox* as a hostile ship;

Second, whether the assertion of those rights could honestly under the circumstances I have described, be presented to the Senate and the American people as an innocent "routine patrol" of the U.S. Navy on the high seas.

I think not on both points. The "assertion" of rights of this kind was not viewed as "routine" by the Navy. We were out to bloody their nose. We had the chip on our shoulder. Why should the Navy expect the layman to view this assertion of rights as routine?

Mr. President, let me say that I, for one, am willing to pursue a full-scale investigation of the Tonkin incidents to the end, wherever that may be. I believe we need to know the full truth. I believe we have an obligation in the Senate to make a complete investigation of the Tonkin Gulf incident, and write the chapter of American history in regard to it for the knowledge of future generations of Americans.

At the same time, I have some sympathy with my majority leader. We must draw out lessons from the past, but look to the future.

We have enough information to draw the lessons from the past in regard to Tonkin Gulf and I urge that members of the public, press, and particularly editorialists and columnists read the transcript in full.

THE WHOLE TRUTH MUST BE KNOWN

But let there be no misunderstanding. We must have the whole story. Managed news is not a good enough basis on which Congress and the American people should be asked to decide between peace and war.

If the Pentagon would like the committee to hear Captain Herrick, I am sure we would be glad to accommodate them—in or out of uniform—but under oath. But I would also want to hear Admiral Sharpe, and Admiral Moore, and a few others who were involved in the entire incident.

I would also like to hear a few sonarmen—those "overeager sonarmen" upon which the brass is so willing to pin one of the donkey's tails.

We might also in public hearings, be able to unmuzzle some of the men on the *Maddox* and the *Turner Joy* who were so willing to talk to the Associated Press last July.

In this connection, Mr. President, I ask unanimous consent to print at the conclusion of my remarks, an Associated Press dispatch which appeared in the Arkansas Gazette of Sunday, July 16, 1967. This is as thorough and commendable job of reporting as I have ever seen. Nothing in this article has been shown to be untrue as a result of the committee's hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MORSE. Mr. President, as a good example of selective "leaking" of confidential information, I refer to an article which appeared in Life magazine of August 14, 1964, which I ask to be printed in the RECORD at the conclusion of my remarks. The article speaks for itself. It was prepared with the "help of U.S. Navy intelligence and the Department of Defense."

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. MORSE. Mr. President, its significance is that it contains excerpts from communications from the *Maddox* and the *Turner Joy*. I can assure my colleagues that this is just what these messages are. One of the messages is classified as "secret," yet it was made available for press publication to a reporter and published in a national magazine within a week after the Congress had passed the Tonkin resolution.

Who leaked this and why?

I do not know who leaked, but I can guess "why." The "why" is that someone in the Pentagon decided that the American people should see some of the messages confirming that an unprovoked attack had occurred on innocent American vessels on the high seas.

The Life magazine reporter was taken in. He was "used." The military authorities gave him only the messages they wanted him to see. They were unwilling to make public the communications that created doubts about what had happened. The press should be warned. The "secret" information leaked to Life magazine "went down like cream"—in the words of Assistant Secretary of Defense Arthur Sylvester, in a speech delivered after he left the Pentagon.

Mr. President, I say to you and to my President, Lyndon Johnson, the time has come for a thorough study by objective civilians of the operations of the Military Establishment in the United States—the Military Establishment of which we were warned by General Eisenhower as he left the Presidency. We need the equivalent of a British Royal Commission to conduct such an investigation.

I do not believe the President of the United States has today the means to know the truth of Tonkin; of Khe Sanh.

I do not say this because there are evil men who would keep the truth from the President. I say it because men with vested interests act to protect those interests. Mistakes perpetuate themselves.

What field commander will say: "My men are doing poorly because the villagers are against them, or the Vietcong are too strong?"

What task force commander will say, after firing 300 shells and committing the Nation to war: "Maybe we were not attacked, after all?" I think, as I said, we were attacked, but it was not an attack to justify this administration leading our people into an undeclared war.

Mr. President, even when the SS *Liberty* was attacked last June off the coast of the United Arab Republic with a loss of 34 American lives, who knew the truth? Mr. Rusk surmised to the Foreign Relations Committee at the time that the attack came from the United Arab Republic. Secretary McNamara has said in public that he thought the attack came from the Russians. Much to our surprise, the attack came from the most unexpected source of all—Israel—and it was a mistake.

I say most respectfully to President Johnson: Our national future is at stake. I wish you would listen before it is too late, as to what the origins of the Tonkin Gulf incident were or its implications are going to mean as the indelible pages of written history about that incident are read now and in the future.

Mr. President, I close for tonight by saying I am satisfied that the transcripts of the RECORD, both on August 6, 1964, and February 20, 1968, show that the Secretary of Defense sought to do a snow job on the committee, on the Congress, and on the American people.

Mr. President, I yield the floor.

EXHIBIT 1

[From the Arkansas Gazette, July 16, 1967]

THREE YEARS AGO, SMALL BATTLE PLUNGED THE UNITED STATES INTO VAST WAR

WASHINGTON.—Her sailors were sunbathing topside as the USS Maddox glided through bright-colored junks bobbing in the Gulf of Tonkin. The destroyer was in its Sunday morning routine—not much to do except watch the junks, write letters and talk.

The Maddox was 15 to 16 miles off the coast of North Vietnam, in international waters. It interested the crew to see five torpedo boats in the distance because they presumably were North Vietnamese. But there was no particular concern. After all, American destroyers had patrolled this area for more than a year.

Gunners Mate Robert E. Swift remembers telling a friend that it would be easy for the boats to hide in a cove, "have a party on sake and then come out and attack us, just like that." He snapped his fingers as he said it.

That sunny Sunday afternoon, August 2, 1964, North Vietnamese PT boats did come out and do battle. Before the week was up, the big guns were booming on the Gulf again, feeling ran high in Washington, American planes began bombing North Vietnam, and President Johnson easily persuaded Congress to give him authority "to take all necessary steps, including the use of armed force." In effect, the Tonkin Gulf resolution changed the American role in Vietnam from sometime-participant to big-scale warrior.

The massive American buildup dates from that week. American troop strength in Vietnam was 16,000. Today it's 486,000. In the three years before the Tonkin Gulf incidents there had been 163 American deaths in Vietnam. In the three years since, the figure has mounted to more than 11,730 dead and more than 68,340 wounded.

SMALL ENGAGEMENT LEFT BIG QUESTIONS

What happened that week in the Gulf of Tonkin?

It was initially a small naval action in which the United States suffered no casualties or damage. Small as it was, it left some questions in its wake.

Who fired the first shot, and why? Was it a warning, as officially announced, or was it a salvo to kill? Was the Maddox on a routine patrol—and if so, what about the mysterious "black box" so prominent between her stacks? What about that somewhat wraithlike second engagement—on a night that was "dark as the hubs of hell"—in which many of those involved had serious doubts that they were firing at a real enemy? Had the Maddox participated in, or provided cover for, a South Vietnamese attack on a North Vietnamese island in the same area a few days before, as Hanoi charged?

The Maddox had left Yokosuka, Japan, on July 23 to patrol the North Vietnamese coast. But first she stopped for two days at Kellung on the island of Taiwan and took aboard a box the size of a moving van and a complement of about a dozen men.

"They kept pretty much to themselves," said Andrew M. Adamick, a young radarman.

"Brought their own special shack aboard and set it up and nobody was allowed in there. All we were told was that it was an ECM (electronic countermeasures) crew checking on radar and communications stations on shore."

INTELLIGENCE RECEIVED OF POSSIBLE ATTACK

James H. Weinand, a radarman from Troy, Mo., who now helps build jets for use in Vietnam, also says: "The special communications group picked up some intelligence that we might come under attack."

All Capt. John J. Herrick would say about advance warning was: "It came to us over normal circuits we had on board. Every combat ship had equipment to monitor anyone's electronic facilities."

In the destroyer's radar room, the boats showed as a pinpoint of light in a round, glowing green field. Such sightings are known as contacts.

"The captain came down personally and told us to keep a tight watch on the scope," said James A. Stankevitz at his home in Stevens Point, Wis. "He wanted a good man on it, to stay on it."

Stankevitz was a radarman at the time.

The destroyer plodded along near Hon Me, a tiny island that had been shelled by South Vietnamese two nights before. Had the Maddox been told of the island attack and the effect her presence might have? Her officers either said no or wouldn't comment.

Near Hon Me, the destroyer turned away from the coast. Cdr. Herbert L. Ogier, the Maddox' skipper, said it was to avoid the thicket of junks.

Battle stations! The word was passed quietly. No clanging of bells that might excite the operators of nearby junks.

At the time of general quarters, the PT boats in the distance looked, in the words of one crewman, "like little sticks on the water."

RADAR CONFIRMED THEY WERE FOLLOWING

But radar confirmed the boats were following the destroyer.

"We were tracking these guys, we had our mounts out," said Lt. Raymond P. Connell, who had been relieved as officer of the deck but remained on the bridge as weapons officer, "They were coming right in on us at a nice, high speed. I don't care how friendly they are when they come in at that high speed."

Ogier asked Herrick's permission to fire warning shots if the boats got within 10,000 yards—5.6 miles.

"I granted permission to do this," Herrick said. "I was the task force commander and it was within my authority under the rules of engagement to open fire if attacked."

Said Herrick: "The torpedoes are on the boat. That boat is on the way toward you on an intercept run. This is like pointing a gun as far as I'm concerned. The torpedo is sitting there and he's pointing it where it will hit you if he lets it go. That's an attack."

One gun in each of three two-gun mounts sent a 5-inch shell at the pursuers.

Were these warnings shots in the usual sense—intentionally long or short? Connell, the weapons officer, was asked.

"Oh, no, we were definitely aiming right at them because the speed factor was there," he said: "We didn't want to waste too much time in spotting our shots."

In any case, the shots fell short and their effect on the PT boats was as the intended warning.

"Of course, you know, if they had just turned and run away after we'd started firing at them, then we could have been in trouble," Ogier said. "Because they could have said, "Here we were in international waters, too, and you went and fired at us. But they came on in and fired torpedoes at us, which was good."

The shots didn't deter the North Vietnamese. Ogier turned to weapons officer Connell and said: "They're all yours."

Two torpedoes lanced through the water.

The Maddox swung around.

The torpedoes passed harmlessly 100 to 200 yards astern.

Lt. Cdr. William S. Buehler, watching from the bridge, said even at more than a mile away the chunks of shrapnel from Maddox's fragmentation shells could be seen flying through the air. "They looked pretty deadly. I wouldn't have wanted to be out there."

DIRECT HIT HALTED THE MIDDLE BOAT

A direct hit stopped the middle boat dead in the water. A torpedo was seen to drop from its tube, but it didn't run. The lead boat still was aiming for the Maddox bow.

"I called attention to this and fire was shifted to this boat," Herrick said. "He and the other of the three boats then dropped astern, firing bursts of machine gun fire at the Maddox as they passed under the stern.

"These people obviously were inexperienced. They must have fired hundreds of rounds, but they all went overhead."

All three torpedo boats either had been hit by this time or they were faking with smoke from their generators. The Maddox was doubling back to try to finish them off when help arrived—three jets from the carrier Ticonderoga. The timing was almost like the movies. The Maddox hadn't brought enough ammunition topside and some of her guns already had fallen silent. Now, the jets, some 200 miles away on target practice, were given real targets to shoot at with their Zuni rockets.

There is no proof that any of the PT boats sank.

Round one in the Tonkin Gulf had lasted only about 10 minutes.

"TURNER JOY" ORDERED INTO GULF

On August 2, 1964 the skipper of the USS Turner Joy, Cmdr Robert C. Barnhart Jr.,

announced the ship was heading for Hong Kong, a liberty port. The crew cheered.

It didn't take them long to learn the ship was being sent—on express orders of President Johnson—to join the Maddox on the patrol interrupted by PT boats.

The Maddox came from the Gulf, refueled and rearmed, and steamed back in with the Turner Joy 1,000 yards astern.

The Maddox signal light blinked: "Consider situation not unlike war patrol and demanding of maximum alertness and readiness. If we are attacked, follow our general movements at 1,000 to 2,000 yards. Take your own action as required to unmask batteries or avoid torpedoes."

Monday and Tuesday the two ships steamed along the Vietnam coast, ready for anything and seeing nothing suspicious. At night they would move toward the center of the Gulf and make "squared circles" with 24 miles at each side.

NIGHT WAS "DARKER THAN HUBS OF HELL"

Tuesday night, Radarman Stankevitz said, "was the darkest night I'd ever seen at sea. It seemed like it was darker than the hubs of hell out there."

The Turner Joy had gone to Condition 2—half her crew was at battle stations. Many of the others were watching a movie. Nobody now remembers the title. They all remember missing the last reel.

Ensign John M. Leeman, a graduate the year before from the University of Utah with a reputation as a bookworm, was on the bridge. He took the watch at 8 p.m. and soon after "I saw, with my own eyes, five or more high-speed contacts approaching on the surface-search radar," he said. "I saw this." The ships were some 65 miles from shore.

The Turner Joy trained her radar to the same area—30 miles away—and got the same contacts.

Radar normally reaches only as far as the horizon. But the low overcast that night caused a freak condition called "ducting" in which the beam hits clouds and curves over the horizon.

Seven planes shot into the air from the Ticonderoga about 200 miles away in the South China Sea. Others took off from the carrier Constellation already en route from Hong Kong as part of a beefing-up ordered by the president.

On the scopes it looked as if continuing north would lead the destroyers into ambush. They turned south.

BLIPS INDICATED A TORPEDO RUN

The blips indicated a torpedo run. "Ships just don't approach somebody like that—at that speed—unless they mean trouble," Barnhart said.

When the blips indicated a target at 8,000 yards, Commodore Herrick aboard the Maddox ordered firing of star shells to illuminate the area.

"Our next report was 4,000 yards," Barnhart said. "That's when I said to commence firing."

A curious thing was happening on the Maddox. Her radar didn't show what the Turner Joy's did.

"I had nothing to shoot at," said Lt. Connell, in charge of Maddox guns. "I recall we were hopping around up there, trying to figure out what they were shooting at because we didn't have any targets. We fired a lot of rounds but it was strictly a defensive tactic.

"We called aircraft and aircraft was there by this time and they couldn't find anything to shoot at."

In the air, Cmdr. Wesley McDonald also was trying to find something to shoot at. Guided by the Turner Joy's radar, he swooped low time after time in his jet.

"I honestly could not see any ships on the surface," he said. He and other flyers concentrated on what they thought were wakes—and once almost shot at the Maddox. The Maddox, still hungry for targets, almost made the same mistake—training her guns on the planes—when their low runs were detected by the ship's radar.

"My main concern was hanging on," said Gary Stephens in the radio transmitter room. "It got pretty rough at that high speed. I had to watch one of my transmitters close because it had a tendency to switch off and I had to hit the reset button. Whenever we'd fire it would shake the ship pretty bad and had a tendency to knock us off the air."

At one point, all the Turner Joy's guns went out because of malfunctions. But that lasted only two minutes.

As the sonar reports multiplied, the bridge on the Maddox began to doubt there could be this many torpedoes. The reports seemed to follow whenever the ship made a sharp turn.

"What we were doing, we were getting our own screwbeats very loud," said her captain. "It's been my opinion that the first or second time it was actually torpedoes and after that it was the result of our maneuvering."

Cmdr. Ogier, trying to fight a battle against an enemy he could not see, and dodging torpedoes he felt weren't there, said: "Evaluating everything that was going on, I was becoming less and less convinced that somebody was there." He has changed his mind since then.

"I'm getting now onto dangerous ground because I know they were there," he told a reporter. "I know they were there because of classified information which I received."

Commodore Herrick also had doubts during the action, but says they were dissipated when he tracked shells on the radar scope going out, striking at where he had seen two contacts, and the contacts disappearing shortly thereafter.

Ens. Richard Crosette, directing fire from the two forward mounts on the Maddox, said his guns fired only once that night—to clear them of ammunition.

"I know the way our radar was acting, my firm belief was that everything I locked onto was weather," Crosette said.

Occasionally, far-away lightning added to the nightmare scene.

SMOKE SEEN FROM "TARGET"

Barnhart, the skipper on the Turner Joy, had his glasses trained in the direction of his ship's guns where "I observed a big black column of smoke going up at one time in one of the targets we were firing at. It wasn't too far away from us, about 2,000 to 3,000 yards. The whole problem with that whole night battle was the fact there was no horizon. You had no perspective whatsoever."

Had he had his glasses trained at the right spot at the right time, Barnhart said, he might have spotted a PT boat.

As it was, few that night saw any boats. Many of those interviewed remembered "a couple of guys who saw one."

Boatswain's Mate Kenneth Garrison said he saw two explosions that were longer, more spectacular, than normal. He also said he glimpsed a boat a mile away.

Estimates of the number of attacking boats ranged from four to 10.

TURBULENCE SEEN AS POSSIBLE "CONTACT"

The sonar contacts could have been caused by the turbulence the ships created themselves; the radar contact might have been caused by the weather; the torpedo sightings may have been in error. But one item couldn't be explained away—a powerful searchlight.

"I can't remember when during the attack this occurred," said Barnhart, "but I do remember one of these big searchlights go up in the air—almost like one of these movie production type things to draw attention. It was only on for about 15 seconds and off it went."

Barry remembers the searchlight too. He said the attack seemed to break off at that point. It had lasted about 2½ hours.

HANOI BRANDED INCIDENT FABRICATION

The score for the night: Two enemy torpedo boats presumed sunk. The North Vietnamese regime branded the account of the night incident a fabrication.

Gun mount 53 was credited with one kill, but Gunners Mate James Chupco Jr. was reluctant to have the symbolic PT boat silhouette painted on the mount, "I wasn't convinced we hit one," he said.

The two ships allotted only 20 minutes the next day for a search for debris that would have confirmed the kills. They found none.

The President of the United States stood in the Fish Room of the White House and looked somberly into the television camera. It was 11:36 p.m. August 4.

"My fellow Americans," he began. And he outlined briefly what had happened in the Gulf of Tonkin.

Sixty-four planes of the Ticonderoga and Constitution winged off against four torpedo boat bases and a major oil storage depot at Vinh. It was the morning of August 5 there.

Aboard the Maddox, Commodore Herrick hadn't been informed of the impending United States air strikes, but he saw the smoke rising from Vinh, 30 miles away.

Defense Secretary Robert S. McNamara reported to Congress the next day:

"Strike reports indicate that all targets were severely hit, in particular the petroleum installation where 10 per cent of North Vietnam's petroleum storage capacity was 90 per cent destroyed. Smoke was observed rising to 14,000 feet. Some 25 North Vietnamese patrol boats were destroyed or damaged."

He also outlined a major strengthening of United States forces in the area.

The United States lost two planes in the strike. Lt. Everett Alvarez Jr., 26, of San Jose, Cal., was captured by the North Vietnamese and later was paraded through the streets of Hanoi before jeering crowds. He still is a prisoner. Lt. (j.g.) Richard C. Sather, 26, of Pomona, Cal., was killed.

When the Senate Foreign Relations and Armed Services committees met jointly August 6 for a briefing they may have been told about the "black box" on the Maddox. Portions of the testimony still are classified.

MYSTERIOUS BOX KEPT A SECRET

But the full Congress was told nothing about the "black box" and therefore could not judge whether it was the reason the North Vietnamese chose to attack the Maddox while earlier patrols were let alone. Senator Wayne Morse (Dem., Ore.), and Senator Ernest Gruening (Dem., Alaska) argued alone against the resolution. Gruening called the attacks on American ships "an inevitable development of the steady escalation of our own military activities in recent weeks," although he approved of our defense against the PT boat attacks.

He said the resolution would give the president a blank check to do whatever he liked in South Vietnam.

Morse said American authorities had known of the South Vietnamese attack on Hon Me Island July 31 and "made a great mistake, in my judgment, in having our ships as close as they were to the mainland of North Vietnam when that bombardment took place; for they assisted the North Vietnamese to draw the conclusion that there was a relationship between the American patrol boats and the boats bombing the island."

Senator J. William Fulbright (Dem., Ark.),

who has since become the leading "dove" in Congress, was President Johnson's No. 1 salesman for the Gulf of Tonkin resolution.

In the nine-hour debate in the Senate, he said at one point: "This action is limited, but very sharp. It is the best action that I can think of to deter an escalation or enlargement of the war. If we did not take such action, it might spread further."

The fateful resolution, the congressional go-ahead for America's stand in Vietnam since those two days in the Tonkin Gulf, passed the Senate 88 to 2. The House approved it 416 to 0.

SOME CONGRESSMEN DISILLUSIONED

Some congressmen later expressed disillusionment with the power they had placed in the president's hands.

And once he had it, the president carried it around in the breast pocket of his suit, often displaying it proudly to visitors as if to say Congress was behind him—look at the vote.

Fulbright said last year his role in the resolution's adoption "is a source of neither pleasure nor pride to me today."

At a hearing, he put it even more strongly: "I feel that I was led into the Tonkin Gulf resolution, and I have only myself to blame for it because I should have been more intelligent, more farseeing and more suspicious. But I was not and I fell for it."

EXHIBIT 2

FROM THE FILES OF NAVY INTELLIGENCE: ABOARD THE "MADDOX"

(Account of what happened aboard the U.S.S. *Maddox* during two days last week was pieced together by Life Correspondent Bill Wise with the help of U.S. Navy Intelligence and the Department of Defense)

On the Gulf of Tonkin, August 2 dawned clear and calm and hot. Off the coast of North Vietnam the destroyer *Maddox* moved south-southeasterly at 15 knots, keeping 30 miles between herself and the shore. Carefully, her radars swept the inshore waters, probing for signs of unusual activity. She was in Condition Three—one third of her battle stations manned—a normal state of readiness for the situation. For the *Maddox*, on a Sunday morning, this was one more routine patrol. She carried on board the commander of Destroyer Division 192, Captain Jerome Herrick, but she was alone. Miles away, but in radio contact with her, were other units of the Seventh Fleet, including another destroyer, the *C. Turner Joy* and the carrier, *Ticonderoga*.

Shortly before 10 o'clock a sailor manning one of the ship's radar scopes watched a cluster of small blips appear on the fringe of his screen. From their size and speed they were identified as small fishing junks, common to the area. There seemed to be about 75 of them and the bridge was routinely notified of their position. A few minutes later the skipper of the *Maddox*, Commander Herbert L. Ogier, altered course slightly to avoid the concentration.

Just before 12:30, while many of the crew were eating Sunday dinner, the radar operator made another sighting—this one in no way routine. Three torpedo boats were approaching the *Maddox* from her stern. They were then more than 10 miles away—and they were moving in fast. North Vietnamese PT boats were sighted commonly enough on the *Maddox's* radar. But these were clearly coming after the *Maddox*.

Commander Ogier notified Seventh Fleet of the development and ordered General Quarters. The noon meal came to an abrupt end. Sailors dressed in sea-duty dungarees scrambled cursing from the table, pulling on life jackets and steel helmets on the way to their posts. Those manning the three twin five-inch, two single three-inch and two twin three-inch guns hurriedly rolled down sleeves and tucked pants legs into their socks to protect against flash burns. Then they settled down to wait.

At 2:40 the skipper, watching the three PTs overhaul him, ordered the radio room to send another message: "Being approached by high-speed craft with apparent intent to conduct torpedo attack. Intend to open fire in self-defense if necessary." Already the 20-year old *Maddox* was moving at her best speed—possibly touching 30 knots—and keeping her fantail to the pursuers so as to present the smallest possible target. But the PTs still had more than a 20-knot advantage over the destroyer.

At 3:08 the *Maddox* radioed once again: "Being attacked by three PT craft." Skipper Ogier had fired three warning shots at the enemy. Now his gunners went to work for real. The after five-inch mount—the only five-incher able to bear directly astern—opened on the PTs at a range of more than 5,000 yards. Two three-inch batteries also joined. Two of the PTs bore in through the columns of water thrown up by the *Maddox's* fire and at speeds of 45 to 50 knots and at a range of 5,000 yards fired one torpedo each. Spotters picked up the torpedo tracks immediately and Ogier wheeled his ship into a tight evasive turn. It was a close thing. The two torpedoes flashed by within 100 yards of the destroyer. A hit in the right place by either of them might have blown her out of the water.

At about this time the bridge of the *Maddox* got a welcome bit of news: four F–8E Crusader jets armed with Zuni rockets and 20 mm cannon were already airborne from the carrier *Ticonderoga* and streaking to the destroyer's assistance.

Thirteen minutes after the first attack, one of the PT boats moved up abeam of the *Maddox*. Now the forward five-inch mounts as well as the one astern could bear on the enemy and one five-inch shell scored a direct hit on the PT just as it launched its torpedo, which malfunctioned and apparently sank. A great cheer went up.

The *Maddox* now also began to take long-range fire from the PTs' 37 mm cannons. Just then the *Ticonderoga* jets screamed in and the PTs began to break off contact. It took the jets just eight minutes to send the two remaining torpedo boats limping off to the north. The PT that had taken a hit from the *Maddox's* five-inchers lay dead in the water.

The *Maddox* swung away to the south again, headed now for a rendezvous with the *Joy*, which was heading into the area at high speed. The long Sunday was over, although no one on the *Maddox* knew it. Through the night her guns were manned and her radarmen studied each blip that appeared on their screens.

On Monday morning the *Joy* joined the *Maddox* and the two began an uneventful patrol that lasted until Tuesday.

The weather had turned sour by then. The ceiling was low and haze cut visibility. Thunderstorms raked the area. Late in the afternoon the *Maddox* radar picked up several sinister new blips. They were the size of PT boats and they were paralleling its track and that of the *Joy*. By 7:40—*after* supper this time—crewmen of the two ships were back at General Quarters—those aboard the *Maddox* very much aware of what they might be in for. The two ships were then running a southeasterly course and were a full 65 miles from the North Vietnamese coast. Skipper Ogier sent another brief message: "Attack appears imminent."

But, in fact, the attack took some time to develop. At 8:36 the Combat Information Center on the *Maddox* picked up three unidentified aircraft circling the area. With attack from the air also a possibility now, Skipper Ogier requested fighters again from the *Ticonderoga* to provide air cover for the *Maddox* and the *Joy*. They arrived overhead at 9:08 but the bogies, apparently having picked up the approach of the carrier jets on their own radar, had by then disappeared from the scene. The PTs however, remained on the *Maddox's* radar keeping a discreet distance.

Then, 22 minutes later—at 9:30—the radar showed several new blips. These were high-speed surface craft, too, and they began to close on the two destroyers at 50 knots, approaching from both the west and the south. Commander Ogier radioed a terse evaluation: "Intentions hostile."

In 20 more minutes the *Joy* and the *Maddox* were under continuous torpedo attack and were engaging in defensive counterfire. There was now plenty for the radar-directed guns to shoot at. The *Maddox* and the *Joy* were throwing everything they had. By 10:15 the *Maddox* had avoided several torpedoes and had sunk one of the attacking craft.

For the next half hour the *Maddox* and the *Joy* weaved through the night seas, evading more torpedoes and sinking another of the attackers. By this time a second wave of fighters had arrived from the *Ticonderoga*, but low ceilings prevented them from giving effective help. Despite their losses, the PTs continued to harass the two destroyers. A few of them amazed those aboard the *Maddox* by brazenly using searchlights to light up the destroyers—thus making ideal targets of themselves. They also peppered the ships with more 37 mm fire, keeping heads on the U.S. craft low but causing no real damage. At midnight a new wave of jets showed up equipped with flares which they dropped and attacked the PT boats, but then the action slowed down. By 1:30 the *Maddox's* radar showed that the North Vietnamese PTs had broken off contact. Nevertheless, weary crews remained at their guns until daybreak. The *Maddox* then reported that she had secured from General Quarters and, with the *Joy*, was resuming normal patrol. Most of the *Maddox's* crew were able then to catch some sleep, only dimly aware, perhaps, how much of a crisis the two days of fighting had precipitated.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the speech by the senior Senator from Pennsylvania [Mr. CLARK] tomorrow at the conclusion of routine morning business, for which a special order has already been entered, the distinguished senior Senator from New York [Mr. JAVITS] be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER (Mr. HART in the chair). Without objection, it is so ordered.

ADJOURNMENT

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock meridian tomorrow.

The motion was agreed to; and (at 6 o'clock and 18 minutes p.m.) the Senate adjourned until tomorrow, Thursday, February 29, 1968, at 12 o'clock meridian.